United Nations A/61/580–S/2006/897

General Assembly
Security Council

Distr.: General
16 November 2006

Original: English

General Assembly
Sixty-first session
Agenda items 47, 52 and 62 (a)

Security Council
Sixty-first year

**Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields**

**Follow-up to and implementation of the outcome of the International Conference on Financing for Development**

**New Partnership for Africa's Development: progress in implementation and international support**

## Letter dated 15 November 2006 from the Permanent Representatives of China, the Congo and Ethiopia to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the speeches made by H.E. Mr. Hu Jintao, President of the People's Republic of China, H.E. Mr. Denis Sassou-N'guesso, President of the Republic of Congo, and H.E. Mr. Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia at the opening ceremony of the Beijing Summit of the Forum on China-Africa Cooperation, and the Declaration of the Beijing Summit of the Forum on China-Africa Cooperation (see annex).

We would be grateful if the present letter and its annex could be circulated as a document of the sixty-first session of the General Assembly, under agenda items 47, 52 and 62 (a), and as a document of the Security Council.

(*Signed*) **Wang** Guangya
Ambassador
Permanent Representative of the People's Republic of China
to the United Nations

(*Signed*) Basile **Ikouebe**
Ambassador
Permanent Representative of the Republic of Congo
to the United Nations

(*Signed*) Dawit **Yohannes**
Ambassador
Permanent Representative of the Federal Democratic Republic
of Ethiopia to the United Nations

06-62179 (E) 011206 051206

**Annex to the letter dated 15 November 2006 from the Permanent Representatives of China, the Congo and Ethiopia to the United Nations addressed to the Secretary-General**

[Original: Chinese]

**Address by Hu Jintao, President of the People's Republic of China, at the opening ceremony of the Beijing Summit of the Forum on China-Africa Cooperation**

Beijing, 4 November 2006

Our meeting today will go down in history. We, leaders of China and African countries, in a common pursuit of friendship, peace, cooperation and development, are gathered in Beijing today to renew friendship, discuss ways of growing China-Africa relations and promote unity and cooperation among developing countries. On behalf of the Chinese Government and people and in my own name, I wish to extend a very warm welcome to you and deep appreciation to you for attending the Summit. I also want to extend, through the African leaders present today, the cordial greetings and best wishes of the Chinese people to the brotherly African people.

The Forum on China-Africa Cooperation was jointly set up by China and Africa in October 2000, a major initiative taken to promote traditional China-Africa friendship and cooperation. In the six years since then, two ministerial conferences have been held, first in Beijing and then in Addis Ababa. Today, the Forum serves as an important platform and effective mechanism for conducting collective dialogue, exchanging experience in governance and enhancing mutual trust and cooperation in practical terms between China and African countries.

This year marks the 50th anniversary of the inauguration of diplomatic ties between New China and African countries. Though vast oceans keep China and Africa far apart, the friendship between our peoples has a long history and, having been tested by times, is strong and vigorous. In the long course of history, the Chinese and African peoples, with an unyielding and tenacious spirit, created splendid and distinctive ancient civilisations. In the modern era, our peoples launched unremitting and heroic struggle against subjugation, and have written a glorious chapter in the course of pursuing freedom and liberation, upholding human dignity, and striving for economic development and national

rejuvenation. The progress and development of China and Africa are a major contribution to the advancement of human civilisation.

During the past five decades, the Chinese and African peoples have forged close unity, and our friendship has flourished. China-Africa exchanges and cooperation have grown in all fields and yielded fruitful results. In international affairs, China and Africa enjoy trust and cooperate closely to uphold the legitimate rights and interests of the developing world.

In all these years, China has firmly supported Africa in winning liberation and pursuing development. China has trained technical personnel and other professionals in various fields for Africa. It has built the Tanzara Railway and other infrastructural projects and sent medical teams and peacekeepers to Africa. All this testifies to the friendship cherished by the Chinese people towards the African people. We in China will not forget Africa's full support for restoring the lawful rights of the People's Republic of China in the United Nations. Nor will we forget the sincere and ardent wish of African countries and people for China to realise complete and peaceful reunification and achieve the goal of building a modern nation.

Today, China-Africa friendship is deeply rooted in the hearts of our two peoples, and our friendship has endured the test of time and changes in the world. This is because we have never strayed from the principle of enhancing friendship, treating each other as equals, extending mutual support and promoting common development in building our ties.

— Friendship provides a solid foundation for reinforcing China-Africa friendly ties. We both value our traditional friendship and are committed to enhancing it.

— Treating each other as equals is crucial for ensuring mutual trust. We both respect the development path independently embarked upon by the other side. We both are serious in addressing each other's concerns and are eager to benefit from each other's practice in development.

— Mutual support is the driving force behind the ever growing China-Africa cooperation. We both wish to see progress in the development endeavour of the other side and sincerely support such endeavour. And we are engaged in comprehensive cooperation.

— Common development is the shared aspiration of the Chinese and African peoples. We are committed to pursuing mutually beneficial cooperation to bring the benefits of development to our peoples.

The world today is undergoing profound and complex changes. But peace, development and cooperation remain the calling of the times. There is a growing trend towards multipolarity and economic globalization. Science and technology are making daily advance, regional cooperation is deepening and there is increasing interdependence among nations. All this has created rare development opportunities for the international community. On the other hand, imbalance in global development, widening gap between North and South, the combination of traditional and non-traditional security threats as well as increasing factors of instability and uncertainty standing in the way of peace and development all pose a daunting challenge to developing countries in their pursuit of sustainable development.

China is the largest developing country, and Africa is home to the largest number of developing countries. Our combined population accounts for over a third of the world total. Without peace and development in China and Africa, there will be no global peace and development.

In this new era, China and Africa share increasing common interests and have a growing mutual need. The forging of a new type of China-Africa strategic partnership is determined by the dynamics of China-Africa cooperation, and it represents our wish to promote global peace and development. Building strong ties between China and Africa will not only promote development of each side, but also help cement unity and cooperation among developing countries and contribute to establishing a just and equitable new international political and economic order. To enhance this new type of strategic partnership, China will strengthen cooperation with Africa in the following fields:

**First, deepen political relation of equality and mutual trust.** We will maintain high-level contacts and mutual visits, establish a regular high-level political dialogue mechanism and conduct strategic dialogue to enhance mutual political trust and traditional friendship and achieve common progress through unity.

**Second, broaden win-win economic cooperation.** We will give full play to our respective strength, enhance economic and trade ties, broaden areas of cooperation, support cooperation between our business communities, upgrade cooperation in human resources development and explore new ways of cooperation so that both sides will share the benefits of development.

**Third, expand exchange for cultural enrichment.** We will strengthen cultural and people-to-people exchanges to increase mutual understanding and friendship between our two peoples and particularly between the younger generation. We will enhance exchanges and cooperation in education, science and technology, culture, public health, sports and tourism to provide intellectual motivation and cultural support for China-Africa cooperation.

**Fourth, promote balanced and harmonious global development.** We will enhance South-South cooperation and promote North-South dialogue. We urge developed countries to honour their promises on market access, aid and debt relief. We should strive to meet the Millennium Development Goals and steer economic globalisation in the direction of creating prosperity for all.

**Fifth, strengthen cooperation and mutual support in international affairs.** We are committed to upholding the purposes and principles of the UN Charter, respecting diversity of the world and promoting democracy in international relations. We call for enhancing international security cooperation based on mutual trust and benefit and addressing each other's concerns through consultation and coordination so that we can jointly respond to threats and challenges to global security.

China values its friendship with Africa. To strengthen unity and cooperation with Africa is a key principle guiding China's foreign policy. China will continue to support Africa in implementing the New Partnership for Africa's Development and in its effort to strengthen itself through unity, achieve peace and stability and economic revitalisation in the region and raise its international standing.

To forge a new type of China-Africa strategic partnership and strengthen our cooperation in more areas and at a higher level, the Chinese Government will take the following eight steps:

1. Double its 2006 assistance to Africa by 2009.

2. Provide US$3 billion of preferential loans and US$2 billion of preferential buyer's credits to Africa in the next three years.

3. Set up a China-Africa development fund which will reach US$5 billion to encourage Chinese companies to invest in Africa and provide support to them.

4. Build a conference centre for the African Union to support African countries in their efforts to strengthen themselves through unity and support the process of African integration.

5. Cancel debt in the form of all the interest-free government loans that matured at the end of 2005 owed by the heavily indebted poor countries and the least developed countries in Africa that have diplomatic relations with China.

6. Further open up China's market to Africa by increasing from 190 to over 440 the number of export items to China receiving zero-tariff treatment from the least developed countries in Africa having diplomatic ties with China.

7. Establish three to five trade and economic cooperation zones in Africa in the next three years.

8. Over the next three years, train 15,000 African professionals; send 100 senior agricultural experts to Africa; set up 10 special agricultural technology demonstration centres in Africa; build 30 hospitals in Africa and provide RMB 300 million of grant for providing artemisinin and building 30 malaria prevention and treatment centres to fight malaria in Africa; dispatch 300 youth volunteers to Africa; build 100 rural schools in Africa; and increase the number of Chinese government scholarships to African students from the current 2,000 per year to 4,000 per year by 2009.

Both China and Africa are cradles of human civilisation and lands of great promise. Common destiny and common goals have brought us together. China will remain a close friend, reliable partner and good brother of Africa.

Let's join hands and endeavour to promote development in both China and Africa, improve the well-being of our peoples and build a harmonious world of enduring peace and common prosperity!

[Original: French]

**Statement by the President of the Republic of Congo, Chairperson of the African Union, His Excellency Mr. Denis Sassou-N'guesso at the opening ceremony of the Beijing Summit of the Forum on China-Africa Cooperation**

Beijing, 4 November 2006

On the occasion of this very special meeting, I would like to begin telling His Excellency the President of the People's Republic of Chi and the Government and people of China how much their warm welcon and thoughtfulness have touched all the African delegations present this Forum, which offers a platform for dialogue, cooperation and t strengthening of the strategic partnership between China and Africa.

Africa regards this as evidence of the esteem of a people to whom has always felt particularly drawn.

We wish to stress how very grateful we are to our dear friend, H Excellency Mr. Hu Jintao, and the Chinese Government for taking t positive step of convening this historic meeting.

As everyone knows, the friendship we are celebrating today has de roots.

Historians believe that the first contacts between the Asian a African continents took place three millenniums ago and that tho between China and Africa began in the fourteenth century. But t rapprochement between China and Africa started in the middle of t twentieth century, in Indonesia, at the Bandung Conference, which w held from 18 to 24 April 1955.

That first Afro-Asian meeting, which brought together 29 countri enabled China to lay the foundations of friendship with the Afric countries.

During that meeting, Prime Minister Zhou Enlai, in a memorab speech, hailed the liberation struggles then under way in Africa a condemned apartheid.

Once the foundations had been laid in this manner, consolidation w quick to follow, in that a long tour of Africa from 14 December 1963 4 February 1964 enabled Prime Minister Zhou Enlai to visit 10 countrie

This tour of Africa gave China and Africa an opportunity to become better acquainted and to set in motion many different forms of cooperation, which became exemplary in many respects.

It is worth revisiting this shared history in order to gain a better understanding of where we are coming from and a clearer perception of the future. The foundations for this future were laid by three great men, three great friends of Africa, Mao Zedong, Deng Xiaoping and Jiang Zemin. You, Mr. President, dear friend, are continuing adeptly to strengthen these foundations in the interests of the peoples of China and Africa.

Mr. President, you have enabled significant strides to be made in Sino-African cooperation.

The Forum on China-Africa Cooperation which brings us together today has been in existence for only six years, but the results achieved over that brief span of time have far-reaching political, economic and sociocultural implications.

The first ministerial conference held here, in Beijing, from 10 to 12 October 2000 focused, among other things, on:

- the promotion of South/South cooperation;
- the improvement of North/South relations;
- participation in international affairs on an equal footing;
- the establishment of a long-term partnership for the benefit of both parties.

We remember that, during that first meeting, the Chinese Government announced its decision to cancel some US$ 10 billion of the debt owed by African countries.

As always, the Chinese authorities kept their word, much to the gratification of the African peoples who were the recipients of this great generosity.

Three years later, on 25 and 26 November 2003, at the second ministerial conference, held in Addis Ababa, the Chinese Government reiterated its wish to further expand Sino-African cooperation and undertook:

– to promote the democratization of international relations through consultations;

– to support the idea of multilateralism advocated by Africa;

– to accept the challenge of globalization by harmonizing positions in multilateral negotiations concerning world trade;

– to increase its assistance to African countries.

We can state with certainty that the third meeting of the Forum on China-Africa Cooperation will be as successful as the first two meetings.

The Declaration of the Beijing Summit and the Beijing Action Plan (2007-2009), which have been submitted by the ministerial conference to the heads of State for consideration, are of major importance. These two texts take account of the organization and structure of our multiform relations with a view to enabling us to attain higher levels of cooperation over the next three years.

We welcome the support China intends to give Africa, as stated in these two texts, with respect to:

– the implementation of the New Partnership for Africa's Development (NEPAD);

– the realization of the Millennium Development Goals;

– the resumption of the Doha Round of negotiations at the World Trade Organization.

This is a fitting time and place to tell you that Africa fully appreciates the true worth of China's outstanding efforts to promote peace on our continent. These efforts have, in particular, been deployed through effective and active Chinese participation in a variety of peacekeeping operations in several African countries which have experienced and which are still experiencing serious crises.

We thank you for this support, which we would like to see extended to another of Africa's daily battles, namely the struggle against desertification and drought. China not only has long experience in this sphere, but also and above all it has the technologies and methodologies from which Africa would be happy to benefit.

I am sure that this summit is going to develop and strengthen the strategic partnership between China and Africa, making it broader, more practical and, of course, more fruitful. We have the will and the means to do so.

China offers us a striking example. The spectacular progress recorded by your country, Mr. President, commands admiration. Just yesterday China was a poor country, but today, thanks to suitable policies applied methodically and with determination, it is providing powerful assistance for other developing countries.

I salute China on behalf of Africa.

And I wish our deliberations every success. Long live Sino-African friendship and cooperation.

[Original: English]

**Opening statement by H.E. Ato Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, at the Beijing Summit of the Forum on China-Africa Cooperation**

**Beijing, 4 November 2006**

I know it is a source of satisfaction to all of us to be here in Beijing for this historic Summit of the Forum on China-Africa Cooperation. The Summit is a clear demonstration of the utmost determination of Chinese and African leaders to intensify the relations between China and Africa and to raise the Forum to an even higher level. As the current co-chair of this Forum, I would like, on behalf of Africa, to extend my warmest welcome to all participants and express my heartfelt thanks to the Government of the People's Republic of China for its commendable efforts and excellent arrangements to make this Summit a success.

The Summit of the Forum on China-Africa Cooperation that is being held on the occasion of the 50th anniversary of the inauguration of diplomatic relations between the People's Republic of China and the countries of Africa, is nothing short of a reaffirmation and renewal of the strategic partnership between Africa and China.

It is a reaffirmation of our strategic partnership because our partnership is not new. It is a partnership which was forged as early as the era of the anti-colonial struggle in Africa. China has provided selfless support to Africa in its struggle for independence. The post-independence period too was a period when the partnership was further strengthened. The exercise of true independence and our sovereign rights has for us been something that has to be fought for every day. This is the nature of the world we live in. The commitment of China to the principle of the sovereign equality among nations and non-interference in the affairs of others, has provided Africa the opportunity to forge a partnership that is based on trust and mutual confidence. It is therefore very appropriate that 50 years after we began building our strategic partnership in the fight against colonialism and apartheid and for our right to fully exercise our sovereign rights, we should reaffirm the Sino-Africa strategic partnership.

Today's summit is not merely about reaffirming our partnership but also about renewing it. The end of colonialism and apartheid in Africa has created a

new environment in our continent. Our main challenge now is not fighting colonialism, but fighting poverty and backwardness and achieving economic independence. Our challenge now is to achieve peace and stability and to promote good governance throughout the continent. Africa needs the support of its friends to overcome these challenges. The Sino-Africa strategic partnership too cannot but reflect the changed circumstances in Africa and be geared towards Africa overcoming its current challenges. Our strategic partnership must therefore not only be reaffirmed but also renewed to take into account the changed circumstances in Africa.

The peaceful development of China, the extraordinary success of China in economic development and other fields has also created a fundamentally changed circumstance. China has now more means at its disposal to assist Africa to overcome its current economic challenges and is already having a marked impact on Africa's economic future. Sino-Africa strategic partnership must therefore be renewed to take into account the changed circumstances in China and the consequent changes globally.

It seems to me natural that our renewed strategic partnership must focus on Africa's economic development as poverty and backwardness are at the root of all of Africa's challenges. The peaceful development of China and the dramatic improvement in its economic capacity and global role and the continuing achievements of China in this regard suggests that economic cooperation should be at the core of the renewed Sino-Africa strategic partnership.

In the era of globalization such cooperation must of necessity be based on mutual benefits and on seeking win-win solutions. Africa provides to the growing Chinese economy a reliable field for investment, trade and the utilization of natural resources for mutual benefit. China provides for Africa a source of successful development experience, technology transfer, trade and investment. There is thus a very large area of economic complementarity between Africa and China which makes it possible for us to establish strategic economic partnership based on promoting mutual benefit and win-win solutions.

Historically Africa's economic relations have been unbalanced and have not benefited Africa on an equal basis. This is largely related to colonialism and its aftermath. Africa is now eager to overcome these unequal economic ties and

transform them into mutually beneficial ones. China too has in the past been a victim of these unequal relations. The peaceful development of China thus provides us all the opportunity to establish a new type of economic partnership — one that is based on equality and mutual benefit. That is why our peoples have very high expectations from the renewed Sino-Africa strategic partnership and have celebrated and welcomed China's tremendous progress in the economic and other fields.

Africa needs peace and stability within itself and in the global environment if it is to overcome the challenges it faces. China too needs a stable and tranquil global environment to continue its peaceful development. This constitutes another solid basis for the renewed Sino-Africa strategic partnership and one that supplements our economic partnership.

I am convinced that Africa is fully ready to reaffirm and renew its strategic partnership with China. Our peoples have followed China's achievement with interest and sympathy and are inspired by it. African governments have established friendly ties with China on a bilateral and multilateral basis. Indeed, the fact that we have here today one of the largest gatherings on African leaders in history is a concrete manifestation of the importance of Sino-African strategic partnership to African leaders.

I am also equally convinced that the people and government of the People's Republic of China attach great importance to renewing the strategic partnership with Africa. The support that China has given to Africa since the start of the Forum and even before the Forum was established, are concrete manifestations of that. The draft documents that have been prepared for our consideration and the holding of this magnificent summit are practical proofs of China's commitment to the partnership.

The summit is therefore destined to succeed in its objectives. It is a summit that history will remember as a turning point in the long-standing friendly relations between Africa and China.

In concluding, I would like to reiterate how delighted we have been and what a privilege it has indeed been for us to have had the opportunity to co-chair this important Forum for the past three years. As we welcome the incoming co-chair

with the pledge of our fullest cooperation, we also wish to assure the Chinese side that Ethiopia's commitment to the Forum will continue with even greater resolve and determination.

[Original: Chinese, English and French]

**Declaration of the Beijing Summit of the Forum on China-Africa Cooperation**

We, the Heads of State, Government and delegation of the People's Republic of China and 48 African countries, met in Beijing from 4 to 5 November 2006 for the Summit of the Forum on China-Africa Cooperation.

We applaud the Summit held on the occasion of the 50th anniversary of the inauguration of diplomatic relations between the People's Republic of China and the African countries.

For the purpose of promoting "friendship, peace, cooperation and development", we have reviewed the sincere friendship, solidarity and cooperation between China and Africa over the past half century, and had fruitful discussions on the common goals and direction for growing China-Africa cooperation in the new era.

Conscious of the fact that thanks to the concerted efforts of both sides, the Forum on China-Africa Cooperation founded in 2000 has become an important platform for collective dialogue and an effective mechanism for pragmatic cooperation between the two sides, we have decided to enhance the role of the Forum and to this end, reaffirmed our commitment to the purposes and objectives set forth in the documents adopted by the Forum.

We hold that the world today is undergoing complex and profound changes, that human society is becoming increasingly interdependent, and that the pursuit of peace, development and cooperation has become the trend of the times and the priority of all countries.

We declare that the development of our friendly relations and cooperation are in accordance with the Five Principles of Peaceful Coexistence, as well as all the international principles that promote multilateralism and democracy in international relations. We urge that diversity of the world should be respected and upheld, that all countries in the world, big or small, rich or poor, strong or weak, should respect each other, treat each other as equals and live in peace and amity with each other, and that different civilizations and modes of development should draw on each other's experience, promote each other and coexist in harmony.

Faced with the growing trend of economic globalization, we call for enhancing South-South cooperation and North-South dialogue and call on the World Trade Organization to resume the Doha Round of negotiations to promote balanced, coordinated and sustainable development of the global economy to enable all countries to share its benefits and realize common development and prosperity.

We call for reform of the United Nations and other multilateral international institutions to make them better meet the need of all members of the international community. Through reform, the United Nations should strengthen its role, give full scope to the function of the UN General Assembly and pay greater attention to the issue of development. Priority should be given to increasing the representation and full participation of African countries in the UN Security Council and other UN agencies.

We hold that the adherence of China, the world's largest developing country, to peaceful development and the commitment of Africa, a continent with the largest number of developing countries, to stability, development and renaissance are in themselves significant contribution to world peace and development.

The African countries are greatly inspired by China's rapid economic development. They extend congratulations to China and wish China even greater achievements in its development endeavors. They reiterate that they adhere to the one China policy and support China's peaceful reunification.

China commends Africa's progress in safeguarding regional peace, promoting regional cooperation and accelerating economic and social development, appreciates the active role played by the African countries, the African Union and other regional and sub-regional organizations in this regard, reaffirms its support for the African countries in their efforts to strengthen themselves through unity and independently resolve African problems, supports the African regional and sub-regional organizations in their efforts to promote economic integration, and supports the African countries in implementing the "New Partnership for Africa's Development" (NEPAD) programs.

We call on the international community to encourage and support Africa's efforts to pursue peace and development and provide greater assistance to African countries in peaceful resolution of conflicts and post-war reconstruction. In particular, we urge the developed countries to increase official development assistance and honor their commitments to opening market and debt relief, and call on the related international

organizations to provide more financial and technical assistance to enhance Africa's capacity in poverty and disaster reduction and prevention and control of desertification, and help Africa realize the UN Millennium Development Goals. Greater attention should be paid to the issue of development facing the least developed countries and the heavily indebted poor countries, as well as the small island and landlocked countries in Africa.

We point out that China and Africa enjoy traditional solidarity and cooperation and have always treated each other with sincerity and shared weal and woe. Having stood the test of time and changing international environment, China-Africa friendship is flourishing and enjoys immense popular support.

We maintain that in the new era, China and Africa have common development goals and converging interests which offer a broad prospect for cooperation. In the new century, China and the African countries should enhance their traditional friendship and expand mutually beneficial cooperation to achieve common development and prosperity.

We hereby solemnly proclaim the establishment of a new type of strategic partnership between China and Africa featuring political equality and mutual trust, economic win-win cooperation and cultural exchanges. For this purpose, we will:

— Increase high-level visits, conduct strategic dialogue, enhance mutual political trust and promote enduring friendship;

— Deepen and broaden mutually beneficial cooperation, encourage and promote two-way trade and investment, explore new modes of cooperation and give top priority to cooperation in agriculture, infrastructure, industry, fishery, IT, public health and personnel training to draw on each other's strengths for the benefit of our peoples;

— Increase exchange of views on governance and development to learn from each other, make common progress and enhance our respective capacity for self-development;

— Increase dialogue between different cultures, promote people-to-people exchanges and interaction, particularly those between the young people, and boost

exchanges and cooperation in such areas as culture, science and technology, education, sports, the environment, tourism and women affairs;

— Enhance international cooperation to jointly address global security threats and non-traditional security challenges, and uphold the common interests of the developing world in the spirit of mutual trust, mutual benefit, equality and coordination;

— Enhance the Forum on China-Africa Cooperation, strengthen collective dialogue and increase coordination and cooperation of the *Action Plan* with NEPAD and the social and economic development plans of African countries; and

— Properly handle issues and challenges that may arise in the course of cooperation through friendly consultation in keeping with China-Africa friendship and the long-term interests of the two sides.

We hold that the establishment of a new type of strategic partnership is both the shared desire and independent choice of China and Africa, serves our common interests, and will help enhance solidarity, mutual support and assistance and unity of the developing countries and contribute to durable peace and harmonious development in the world.

We have, in the spirit of this *Declaration*, formulated and adopted the *Beijing Action Plan of the Forum on China-Africa Cooperation (2007-2009)*.

We commend the Ministers participating in the Third Ministerial Conference of the Forum on China-Africa Cooperation for their dedicated efforts and outstanding work, applaud the outcome of the High-Level Dialogue between Chinese and African Leaders and Business Representatives, and express our congratulations on the full success of the Summit.

United Nations S/2006/898

Security Council

Distr.: General
16 November 2006

Original: English

# Letter dated 15 November 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I would be grateful if you would transmit the present letter and its annexes to the members of the Security Council.

(*Signed*) Fausto **Pocar**
President

06-61930 (E) 221106

## Annex I

## Assessment and report of Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Council resolution 1534 (2004)

1. This report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 in which the Council, in paragraph 6 of the resolution, requested the International Tribunal for the Former Yugoslavia ("International Tribunal") "to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions."[1] This is the sixth report of the President of the International Tribunal in compliance with Security Council resolution 1534 (2004) and summarizes the concrete measures taken towards implementation of the completion strategy from 25 May to 15 November 2006 as well as describes the steps that remain to be taken to that end.

### I. Introduction

2. During the reporting period, the three Trial Chambers of the International Tribunal continued to operate at full capacity hearing six trials simultaneously and managing 17 cases in the pre-trial stage (including contempt cases). The cases tried during the reporting period were *Orić*; *Krajišnik*; *Mrkšić*, *Radić* and *Šljivančanin*; *Martić*; *Prlić*, *Stojić*, *Praljak*, *Petković*, *Ćorić* and *Pušić*; *Milutinović*, *Šainović*, *Ojdanić*, *Pavković*, *Lazarević* and *Lukić*; *Popović*, *Beara*, *Nikolić*, *Borovčanin*, *Tolimir*, *Miletić*, *Gvero*, and *Pandurević*. Of these cases, most accused were tried in three large trials, namely *Prlić et al.*, *Milutinović et al.* and *Popović et al.*, involving a total of 21 accused. These multi-accused trials were able to commence in April and July 2006, at least six months earlier than planned, as a result of significant efforts which I made in cooperation with Trial Judges to re-structure the Trial Chambers, as well as concrete measures taken by the International Tribunal as outlined in my last two completion strategy Reports to the Security Council. With the onset of these multi-accused cases, the International Tribunal was able to try an unprecedented number of 25 accused simultaneously during the reporting period. Of the cases tried, judgement was rendered in the *Orić* case on 30 June 2006, judgement was delivered in the *Krajišnik* case on 27 September 2006, and it is currently anticipated that judgements in *Mrkšić*, *Radić* and *Šljivančanin* as well as in *Martić* will be issued in early 2007. In addition, the Trial Chambers heard one contempt case involving one accused. Judgement was rendered in the *Jović* contempt proceeding on 30 August 2006.

3. While hearing these cases, the Trial Chambers have been actively involved in preparing new cases for trial. Following the recommendations of the Working Group on Speeding Up Trials outlined in my last report to the Security Council, Judges are taking a much more pro-active role in the preparation of cases for trial. During this reporting period, Trial Chambers issued 192 written and 29 oral pre-trial decisions on such issues as form of the indictment, challenges to jurisdiction, protective measures for victims and witnesses, applications for provisional release, adjudicated facts, and the admissibility of written witness statements under Rule 92bis. I note in particular that, in July 2006, Trial Chamber II joined the *Gotovina* case with the *Čermak* and *Markač* cases, which was affirmed on appeal. As a result of this efficient pre-trial work, following the close of the *Mrkšić et al.* and *Martić* cases in March and February 2007 respectively, the *Dragomir Milošević* and *Boškoski* and *Tarčulovski* trials are prepared to commence.

4. The Appeals Chamber has also continued to function at full capacity. It has issued 170 written decisions, including 20 interlocutory appeals from cases at trial, three referral decisions, 131 pre-appeal decisions; one contempt decision and 12 review, reconsideration or other decisions both from the International Tribunal and the International Criminal Tribunal for Rwanda ("ICTR") since the last report. In July 2006, final judgement was rendered in the *Ntagerura et al.* and

[1] The present report should be read in conjunction with the previous five reports submitted pursuant to Security Council resolution 1534 (2004): S/2004/420 of 24 May 2004, S/2004/897 of 23 November 2004, S/2005/343 of 25 May 2005, S/2005/532 of 30 November 2005, and S/2006/353 of 30 May 2006.

*Gacumbitsi* cases. The Appeals Chamber will also deliver final judgements in *R. Simić* and in *Galić* in November and December respectively. Additionally, as a result of efficient pre-appeal management, one appeal pending in the case of *Strugar* was withdrawn by both parties due to the age and health condition of Strugar. By the end of this calendar year, the Appeals Chamber will have closed an unprecedented number of eight proceedings involving 11 accused. The Appeals Chamber is expected to render final judgements in the cases of *Brđanin, Brđo, Blagojević and Jokić* and *Ndindabahizi* early next year. At present, the International Tribunal has 15 appeals from judgment on its docket.

5. Currently, 15 accused in nine cases are awaiting trial before the International Tribunal. This represents a dramatic decrease of 20 accused in pre-trial since the last reporting period due to the start of new trials and 11his referral of cases to national jurisdictions. Of these 15, eight have been provisionally released.

6. In my last report to the Security Council, I advised the Council that following the deaths of Slobodan Milošević and Milan Babić in the International Tribunal's custody, I authorized the Registrar of the International Tribunal to make a request to the Swedish authorities to conduct an independent audit of the United Nations Detention Unit ("UNDU") in accordance with Rule 33 of the Rules of Procedure and Evidence of the International Tribunal ("Rules"). The results of the Swedish audit were transmitted to the Registrar of the Tribunal on 8 May 2006 and made public on 15 May 2006 ("Audit Report"). In response to that Audit Report, a Working Group was established made up of representatives of the Judges, Registry and the Administration to ensure the efficient implementation of all recommendations made in the report.

7. I am pleased to advise that on 4 October 2006, the Working Group completed its confidential report on the feasibility of the recommendations made in the Audit Report. The Working Group produced a very thorough and comprehensive report that provides practical and concrete measures to ensure that the recommendations of the Audit Report are implemented as appropriate. The Working Group reviewed the Audit Report recommendations in light of the input and comments received from the various Registry Sections and also by reference to independent research carried out by the Working Group. Although the UNDU was not represented on the Working Group, it was consulted by the Working Group throughout the entire process. In reviewing the Audit Report's recommendations, the Working Group found it important to reiterate that the report found the conditions of the UNDU to be of the very highest standards but also considered that the majority of recommendations made by it were reasonable and feasible. They further noted that a number of recommendations had already been implemented or were being addressed by the UNDU Management. The report of the Working Group contains confidential information pertaining to UNDU Security and for that reason a redacted version of the Working Group Report will be made public in the near future.

8. In this respect, I have pushed for an expedited process for transfer of convicted persons from the custody of the UNDU to States where they are to serve their sentence. This is not only a matter of improving conditions within the UNDU, but also one of upholding human rights norms in keeping those convicted separate from the accused while in detention. To that end, during the reporting period, four convicted persons were transferred to Austria, Italy and Denmark upon the close of their cases at the International Tribunal.

## II. Measures taken to implement the completion strategy

### A. Speeding up of trials and appeals

9. In my last two reports to the Security Council, I focused on illustrating the impact made by the Judges' implementation of the recommendations of the Working Group on Speeding Up Appeals and the Working Group on Speeding Up Trials on increasing the efficiency of the International Tribunal's appeals and trials. In this report, I will not repeat in detail the concrete measures taken in response to the reports of these two working groups. However, I will make some practical observations thereto and advise of further measures that have since been taken.

10. Amendments made to the Rules in order to expedite appeals following the report of the Working Group on Speeding Up Appeals continue to substantially impact on the expeditious and fair disposal of interlocutory appeals and appeals from Judgement by the Appeals Chamber. These amendments have, inter alia, resulted in shortening the time limits for the filing of appeals, in avoiding repetitious filings, and in expediting the disposal of appeals by expanding the use of written as

opposed to oral submissions. In addition, pre-appeals proceedings have been sped up by adoption of the Working Group's proposal for a greater role by the Pre-Appeal Judge in disposing of routine procedural motions, such as those requesting extensions of time or word limits, without consulting the full Bench of Judges.

11. The impact of the recommendations of the Working Group on Speeding Up Trials has had a fundamental impact on the conduct of trials at the International Tribunal. As I reported to the Security Council in my last report, the Working Group proposed a shift in the way the Tribunal conducts its trials away from an adversarial, party-driven procedure to tighter judicial control of the proceedings. As a result of implementation of these recommendations, the Judges are taking a much more active role in ensuring that cases are trial-ready, particularly upon the vacancy of courtrooms. In the conduct of pre-trial conferences, Pre-Trial Judges are insisting on the establishment of work plans, which set strict deadlines on the parties' disclosure of material and in reaching agreement on facts. The Pre-Trial Judges are also requiring the Prosecution to provide greater details on its trial strategy and obliging both parties to file their Pre-Trial briefs and witness and exhibits lists well before the start of their cases.

12. In order to facilitate the proactive role taken by Pre-Trial Judges, the policy of assigning cases, where possible to a Judge at the pre-trial stage who is anticipated to be one of the Judges that will hear the case at trial, continues to be applied. This has encouraged Pre-Trial Judges to take strong measures to efficiently prepare the cases for trial and, a greater knowledge of the scope of a case by Trial Chambers has allowed them to instruct the Prosecution to focus its case at trial by limiting the presentation of evidence and fixing the number of crime sites or incidents contained in one or more charges of the indictment. The impact on the efficiency of proceedings by having the Pre-Trial Judges form part of the Bench hearing the case for trial is shown by the control being exercised by the Chambers in the multi-accused cases of *Prlić et al.* and *Milutinović et al.* to which this policy was applied.

13. Following the Working Group's recommendations for enhancing the efficiency of trials in addition to pre-trial proceedings, the Judges of the International Tribunal were convened in two plenaries in June and September 2006, in which they discussed further ways to implement the Working Group's proposals. In the extraordinary plenary in September, the Judges adopted amendments to the Rules incorporating those proposals. That plenary led to the adoption by the Judges of two new provisions, Rules 92 ter and 92 quater. In essence, the amendments have increased the ability of Trial Chambers to consider written statements and transcripts of witnesses in lieu of oral testimony where that evidence goes to the acts and conduct of an accused. Trial Chambers are now empowered to decide whether a witness should appear for cross-examination where written statements or transcripts are used, and to allow the admission of written evidence of witnesses who are not available to attend as witnesses at the Tribunal.

14. The Judges have also taken action to expedite trial proceedings by placing limits upon the Prosecution's cases. As I reported to the Security Council during my oral presentation in June of this year, in May 2006, the Judges adopted an amendment to Rule 73bis to authorize Trial Chambers to either invite or direct the Prosecution to select those counts in the indictment on which to proceed. The Judges of the Tribunal considered that this Rule amendment was necessary to ensure respect for an accused's right to a fair and expeditious trial and to prevent unduly lengthy periods of pre-trial detention. While the Prosecutor strongly opposed this amendment due to her belief that she has a commitment to all victims of the former Yugoslavia, I am pleased to report that the Prosecution has responded positively to directions from the Trial Chamber to limit indictments. Following direction by the Trial Chamber in the case of *Seselj* for reduction of the indictment, the Prosecution made proposals for that reduction to the Trial Chamber. Consequently, the Trial Chamber rendered a decision on 8 November 2006, whereby it reduced the indictment by five counts and ruled evidence in respect of crimes allegedly committed in five municipalities inadmissible. The practical effect of the Trial Chamber's decision is a reduction of the indictment by approximately one-third.

15. Considering that it is critical to the success of the International Tribunal for the Judges and the parties to work together in the completion of the Tribunal's mandate, Trial Chambers have made efforts to build consensus with the Prosecution by finding other ways to focus her cases apart from narrowing the scope of her indictments. For example, strict time limits have been placed upon the Prosecution and the Defence in the presentation of their cases in *Prlić et al.* and *Milutinović et al.*, resulting in the reduction of the anticipated length of trial by at least one-third and one-half respectively. In addition, in these cases as well as in the multi-accused case of *Popović et al.*, the Trial Chambers have placed restrictions on the amount of evidence that may be adduced in relation to some of the counts in the indictments.

Furthermore, restrictions have been placed on the time permitted for each accused to conduct their cross-examination. All of these measures are aimed at ensuring the accused at the International Tribunal receive a fair and expeditious trial, and that those accused awaiting trial are not unduly detained.

16. The efficient completion of trials at the International Tribunal continues to be aided by the use of the e-Court system in its proceedings. This system integrates all case-related documents into a central electronic database, thereby eliminating the need for unnecessary paper filings and increasing the accessibility of information. E-court is applied to all proceedings at the International Tribunal and earlier technical deficiencies and user problems have now been rectified resulting in the Tribunal seeing the benefits of more efficient use of court time. In a similar vein, a separate information technology network has been developed enabling Defence Counsel to access the Tribunal's Judicial Database from any location thereby allowing for them to more efficiently prepare and conduct their cases at trial.

17. In my last two reports to the Security Council, I have underscored that the realization of the International Tribunal's completion strategy relies largely upon the Tribunal continuing to function efficiently and improving its procedures until its closing by drawing upon its past experiences. This is only possible if the Tribunal is able to retain its highly qualified staff, who have the historical experience of the Tribunal's operations and a sense of ownership of the Tribunal's mandate. In order to ensure retention of its best staff, accelerated promotions have been implemented and the Tribunal is currently working towards securing a retention bonus for its longest-serving staff.

### B. Ad litem judges

18. The ad litem Judges continue to be a valuable and necessary resource for the efficient conduct of trials at the International Tribunal. During the reporting period, four ad litem Judges were called upon in July to serve on the multi-accused cases of *Milutinović et al.* and *Popović et al.* In addition, two serving ad litem Judges were assigned to second cases to allow new trials to commence at the Tribunal as efficiently as possible. Thus, of the two ad litem Judges currently sitting on the case of *Martić*, one was assigned as the reserve ad litem Judge to the Bench in *Milutinović et al.*, and the other as an ad litem Judge to the case of *Šešelj*.

19. In addition to their work on trials, ad litem Judges have proved to be an extremely valuable resource with respect to pre-trial work. Their dedication and contribution to the efficient work of the Tribunal cannot be overstated. As highlighted in my last report, this contribution by ad litem Judges was greatly enhanced by the Council's adoption of resolution 1660 (2006), which amended the Statute and increased the number of ad litem Judges from 9 to 12 thereby allowing for the assignment of ad litem Reserve Judges to the multi-accused trials.

### C. Referral of cases involving intermediate and lower-ranking accused to competent national jurisdictions

20. The transfer of cases involving intermediate and lower ranking accused to national courts in the former Yugoslavia pursuant to Rule 11bis of the Rules continues to be key to the implementation of the Tribunal's completion strategy and for the legacy of the Tribunal. To date, the Prosecutor has filed 13 referral motions involving 21 accused. One of those motions, that of Dragomir Milošević, was denied and two were withdrawn by the Prosecutor. One of the accused, Ivica Rajić, pleaded guilty before the International Tribunal and the other motion, involving a case of three accused, Mrkšić, Radić and Šljivančanin, commenced trial at the Tribunal in October 2005.

21. Of the motions filed, the Referral Bench has granted six referrals involving 11 accused. Four referral motions involving five accused are pending. Of those granted, eight accused appealed to the Appeals Chamber and six appeal decisions have been issued. One of those appeal decisions referred a case of two accused back to the Referral Bench and the other five decisions upheld the referrals. Currently, nine accused have been transferred to the Special War Crimes Chamber of Bosnia and Herzegovina and two accused have been transferred to the authorities of Croatia for trial before its domestic courts.

22. The Prosecution, through the Organization of Security and Cooperation in Europe, continues to monitor the trials referred to the region in light of its authority under Rule 11bis to request that a case be returned to the Tribunal should it determine that such a case is not being conducted fairly and with full adherence to human rights norms. On 14 November 2006, the trial of the first referred accused, Stanković, came to a close in the Sarajevo Special War Crimes Chamber. The

Tribunal is satisfied that this trial respected international norms of due process. It is critical to the success of the Tribunal's completion strategy and to upholding the rights of the accused that all referred cases are conducted in full compliance with the highest standards of due process.

23. In that respect, I urge the Security Council, and the international community as a whole, to ensure that transfers of cases from the International Tribunal to the region are successful by providing full support to building the capacity of domestic jurisdictions in the former Yugoslavia. The International Tribunal is aware that some Member States are involved in activities aimed at implementing the rule of law in the former Yugoslavia by providing necessary training and resources. However, the International Tribunal is equally aware that the actual resources deemed necessary to achieving lasting change in the region are far from being achieved. I urge the international community to protect our achievements thus far and to take the necessary steps *now* to entrench the rule of law by providing continued and sustained support to the local judiciaries and detention facilities in the region. It is these courts that have begun the next chapter of the Tribunal's work by domestic prosecutions of war crimes cases, and it is these courts that will carry on the legacy of this Tribunal by continuing prosecutions long after the Tribunal has completed its mission.

24. Making use of its field offices in Zagreb, Belgrade, Sarajevo and Prishtine/Pristina, the International Tribunal liaised closely with the local judiciaries in the region and participated in efforts to strengthen their capacity to try war crimes cases during the reporting period. Tribunal staff took part in a number of professional symposia. In Croatia, staff of the International Tribunal participated in a joint meeting of NGOs, international organisations and state officials on the issue of witness protection and support. In Bosnia and Herzegovina, the Registry Liaison Officer chaired and lectured at the first country-wide conference for local Judges and prosecutors on war crimes issues, and also gave presentations at three training seminars for defence lawyers from Bosnia and Herzegovina. In July, the Tribunal's Registrar visited the State Court of Bosnia and Herzegovina in the context of the close partnership between the two courts. In June, a group of Judges from Bosnia and Herzegovina paid a visit to The Hague and had an opportunity to familiarise themselves with the electronic court management and trial support tools used at the International Tribunal. The visit was part of a broader programme aimed at modernising court management systems in Bosnia and Herzegovina.

25. The International Tribunal's website continues to be a key source of information for legal professionals and the general audience in the former Yugoslavia. In the reporting period, the usage of the BCS website more than doubled, now counting over two million pages accessed during the last six months. More than a hundred thousand pages were opened on the Albanian site, showing significant growth. The condensed Macedonian site also experienced increasing use, with more than 600 pages accessed every month. In addition to online use of electronic documents, the Tribunal's Outreach Programme provided hundreds of recipients in the region with CDs containing legal documents as well as audio and video footage from the Tribunal's courtrooms. Video and audio feeds from the courtrooms continue to be available online.

26. In its continuing efforts to contribute to peace and reconciliation in the former Yugoslavia, the International Tribunal undertook a number of activities aimed at explaining its cases and findings to audiences in the region. In July, the Tribunal's Registrar visited the village of Grabovica in Bosnia and Herzegovina, where he met with family members of civilians killed there in 1993. In June, the Outreach Programme co-organised a major public event in Belgrade, which allowed representatives of the International Tribunal to communicate to Serbian judicial officials, students, and members of civil society on how the Tribunal has investigated, prosecuted and tried crimes committed in Prijedor, Bosnia and Herzegovina. In September, Judge Schomburg travelled to Prijedor to appear as the main speaker at a conference organised by a local victim association. In The Hague, the International Tribunal hosted a visit by members of the Kosovo Provisional Institutions of Self-Government, who received briefings from senior Tribunal officials and attended court hearings.

27. The Outreach Programme also participated at numerous other conferences, as well as summer schools and workshops for young lawyers, civil society activists and future politicians. In Kosovo, a series of lectures was held at high schools. At all such events, information materials in the local languages were distributed to the audiences. In Sarajevo, the Outreach Programme co-produced a comprehensive publication, which contains summaries of all cases that concern crimes committed in Bosnia and Herzegovina. The initial print of 2000 copies was distributed to victim associations, NGOs, judicial institutions, public officials, journalists and academic institutions across Bosnia and Herzegovina as well as Serbia.

### D. Cooperation of States in the region with the International Tribunal

28. Shortly after my presentation to the Security Council in June 2006, the Russian authorities assured the transfer of Zelenović to the authorities of Bosnia and Herzegovina who then transferred Zelenović to the International Tribunal. However, the International Tribunal remains troubled by the failure of States to secure the arrest and transfer of the remaining six high-level fugitives, especially Ratko Mladić and Radovan Karadžić. The Judges of the International Tribunal are adamant that the Tribunal must not close its doors without the arrest and trial of these fugitives. To do otherwise would mean that the International Tribunal will not have fully discharged its mandate and the message and the legacy of the Tribunal that the international community will not tolerate serious violations of international humanitarian law will be dangerously undermined.

29. The success of the International Tribunal in the completion of its mandate has always hinged significantly upon State cooperation and non-interference in cases once they have commenced. This becomes increasingly critical as the International Tribunal approaches the last stages of its completion strategy. If the International Tribunal is to achieve the aims of the international community in bringing justice, peace and reconciliation to the region of the former Yugoslavia, then it must act immediately to ensure that all remaining fugitives are arrested and transferred to the International Tribunal. Accordingly, I urge all States to take immediate, concrete measures to actively seek the whereabouts of these remaining fugitives and to ensure their transfer to the International Tribunal without further delay.

## III. Updated prognosis regarding implementation of the completion strategy

30. Following on from my last report to the Council, I again confirm that despite our best efforts thus far, trials will run into 2009. As I there identified, there are a number of factors that will influence whether the conclusion of trials by 2009 remains feasible. The first factor is the success of the multi-accused trials. Current observations are that those trials are running very smoothly. However, there are also indications that absent a firm controlling hand and full cooperation of the parties, those trials could tend to run longer than originally anticipated. In endeavouring to reduce the length of these trials, the Judges have used Rule 73bis to limit the amount of time accorded to the parties in the presentation of their cases. For example, in the *Milutinović et al.* case, the Trial Chamber has had to issue an order substantially curtailing the time available to the parties in response to indications that should the trial continue at its current pace, the case would take at least twice as long as originally anticipated. Likewise, in the *Prlić et. al* case, while strict time limits were imposed at the commencement of trial, the Trial Chamber faces a running battle to ensure that the proceedings remain within the established framework of time allocation.

31. As noted previously, Judges have also begun to take advantage of the recent amendment to Rule 73bis, which authorizes a Trial Chamber to invite or direct the Prosecutor to reduce the scope of her indictments by selecting those counts on which she wishes to proceed. This mechanism was recently used by the Trial Chamber in the *Šešelj* case to reduce the Prosecution's indictment by one- third. It is anticipated that this mechanism will be increasingly relied upon by Judges as a necessary tool for reducing the length of trials not only for the purpose of the International Tribunal being able to meet its completion strategy objectives, but primarily for upholding the right of the accused to an expeditious trial.

32. While Judges are doing what they can to ensure the efficient conduct of pre-trial and trial proceedings, other factors outside of Judges' control, including illness of the accused or counsel, the availability of witnesses and State cooperation, may impact upon the speed at which these cases proceed. In addition, the successful completion of trials depends in no small part upon the retention of qualified staff up to the very closing of the International Tribunal.

33. As outlined earlier, to reduce the number of cases on the International Tribunal's docket, the Tribunal has continued to refer cases of lower and intermediate accused back to the region. Two cases involving three accused have been transferred in the reporting period and four cases remain pending before the Referral Bench. Once these cases are finalized, there are no other cases currently earmarked for referral as they do not involve intermediate or lower level accused as provided for under Security Council resolution 1503 (2003). Furthermore, the referred cases may be a factor impinging upon completion strategy target dates if their referrals have to be revoked such that they must be sent back to the International Tribunal's jurisdiction due to a failure by national courts in the region to uphold fair trial principles.

34. I have already raised the critical issues of the six outstanding fugitives; however, I particularly emphasize the need to apprehend Ratko Mladić and Radovan Karadžić. For over a decade, the International Tribunal has repeatedly called on Member States to ensure the arrest of these fugitives without result. If the Tribunal is to complete its trials by 2009, these fugitives must be arrested immediately. The continued failure to ensure their arrest *now* renders the 2009 date for the completion of all trials doubtful.

## IV. Conclusion

35. In the past six months, the International Tribunal was able come out of a time of significant change and unprecedented challenges while, at the same time, achieving one of the most productive periods in the Tribunal's history. In total, the Trial and Appeals Chambers issued 391 decisions and four Judgments. In the calendar year, the Appeals Chamber will be able to bring a total of eight proceedings, both ICTY and ICTR, to a close, marking the most productive year ever for the Appeals Chamber. As a result, 15 appeals remain to be heard. Currently, the International Tribunal has nine trials in the pre-trial phase remaining on its docket, and it is anticipated that the six trials currently pending, in addition to those in pre-trial, will be subject to appeal proceedings. Thus, we can foresee that the International Tribunal will have 15 appeals following the conclusion of those trials. With respect to the concluding date for appeals, the International Tribunal expects that within two years of the end of each trial, any appeal filed thereafter will be completed.

36. As evidenced by this report, the International Tribunal has taken further positive steps in the last six months to increase the efficiency of its trials and appeals. It has embraced the changes advocated by the Working Group on Speeding Up Appeals and the Working Group on Speeding Up Trials and seen decisive results in appeal and trial efficiency. In addition, the Judges have remained vigilant in looking for ways of improving the practice and procedure of the International Tribunal's trials and have adopted further Rule amendments towards this end.

37. Consequently, the Judges' efforts to speed up proceedings have resulted in an increasingly diminishing number of accused whose cases remain to be completed. To date, cases against 97 accused, out of a total of 161 indicted, have been closed. While proceedings against 64 accused remain to be completed, out of this number, 15 have already been tried and are at the appeals stage, 23 are currently on trial, only 15 are in the pre-trial stage, four are pending Rule 11bis motions for referral, and the remaining six accused are still at large. By the end of this year, the Tribunal is scheduled to close proceedings against two more accused with the issuance of two appeal judgements and, in the first quarter of 2007, appeal proceedings against four more accused are scheduled to be finished.

38. The International Tribunal will remain entirely committed to making every effort within its power to meet the completion strategy target dates. As this report illustrates, it is constantly reassessing its practices and adopting concrete mechanisms to improve the efficiency of its proceedings. The International Tribunal will not remain satisfied with the status quo, but will continue to explore new measures to ensure that it retains the support of the international community to fully discharge its mandate. It will also continue its efforts towards securing the rule of law in the States of the former Yugoslavia through its partnership with local judiciaries, outreach activities and the dissemination of materials in the region. It is only through supporting the development of national jurisdictions in the region that the International Tribunal's legacy will have lasting value. In this regard, I urge the Member States of the Council to continue to join with us in this extremely important endeavour. While the International Tribunal will remain steadfast in its efforts to increase the efficiency of its proceedings, as noted above, its success in meeting the completion strategy hinges on several factors beyond its control including the arrest of the remaining fugitives and the successful trials of cases transferred to the region.

39. In conclusion, this report is further proof that the International Tribunal has been and will continue to be working harder than ever towards completion of its mandate as part of the furtherance of peace and security in the former Yugoslavia. The International Tribunal remains ever indebted to the Security Council for its steadfast support for our work up to this point. I remind the Council that, due to the Security Council's visionary thinking in establishing the Tribunal in 1993, it has now become common practice in regions around the globe to hold individuals responsible for war crimes, crimes against humanity and genocide. Because of the Security Council's leadership, efforts to punish and deter war crimes, crimes against humanity and genocide through international justice have become widespread. With the Council

support, the experience and jurisprudence of the International Tribunal in enforcing international criminal justice while upholding the highest standards of due process has paved the way for this historic development. I call upon Member States of the Council to maintain that support in the few remaining years of the Tribunal. There is still much work to be done, including the trials of our six remaining high-level fugitives, including Ratko Mladić and Radovan Karadžić. It would be a lasting stain on the legacy of the Tribunal if these accused were to remain unt ied by the Tribunal and would send the wrong message with respect to the international community's commitment to the former Yugoslavia. We must forge ahead together to see the work of the International Tribunal through not only for historic reasons, but more importantly, for the cause of international justice and the continued fight against impunity in the interests of promoting international peace and security.

## Annex II

## Assessment of Carla del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia provided to the Security Council pursuant to paragraph 6 of Council resolution 1534 (2004)

1. This report follows up the assessment of 7 June 2006, and details the continuing progress made by the Office of the Prosecutor towards implementing the completion strategy. The report outlines measures implemented recently, and indicates future steps.
2. The Security Council has called on the Tribunal to prosecute in The Hague only the most senior leaders. That is being done. All remaining trials involve persons who were in high level positions of command and authority.
3. Additional measures have been taken to increase the efficiency of the trials while maintaining the highest judicial standards. In this context, the cooperation between the Office of the Prosecutor and the Chambers has been quite fruitful.
4. There remains, of course, the need to arrest the six remaining fugitives. Although their arrival will not reduce the Tribunal's workload, their early arrival would lessen the impact on the trial schedule considerably as a number of opportunities still remain to have these fugitives joined with other indictees awaiting trial. However, with every new trial that begins, such opportunities are lost.

### Progress made towards the implementation of the completion strategy

#### Arrest of fugitives

5. Six persons indicted by the ICTY are still at large, including the most important accused, Radovan Karadzic and Ratko Mladic. They are both accused of the gravest crime: genocide. In the reporting period, none of the remaining fugitives was transferred to the custody of the Tribunal. The Prosecutor remains committed to do her utmost to work with all the relevant actors so as to locate and apprehend them. She has followed up on her initiatives to better co-ordinate the activities carried out by the various national authorities and international bodies in order to locate and arrest them. In the reporting period, she travelled to Belgrade to discuss issues related to fugitives with the highest authorities, including the President and Prime Minister of Serbia and various other senior officials. The Prosecutor was also asked by the Presidency of the European Union to assess the level of co-operation provided by Serbia to the ICTY. For this purpose, she participated to a meeting of the EU Troika on 16 October. She also met the EU Commissioner in charge of enlargement and her office maintains close links with the institutions of the European Union, as they continue to demonstrate a strong interest and a consistent support for the work of the ICTY.

#### Transfer of cases

6. Between 1 September 2004 and 28 July 2005, in accordance with the Security Council resolutions 1503 and 1534, which prescribe that only the most senior leaders responsible for the most serious crimes must be tried in The Hague, thirteen motions requesting the referral of indicted cases pursuant to Rule 11 bis of the Rules of Procedure and Evidence, involving twenty-one mid- and lower-level accused, have been filed by the Prosecutor. In the reporting period, one additional case involving two accused was transferred to Bosnia and Herzegovina. Furthermore, on 14 November, the first judgement on a case referred to Bosnia and Herzegovina under Rule 11bis was rendered by the War Crimes Chamber of the State Court of Bosnia and Herzegovina in the Stankovic case.

7. In addition to the transfers of indicted cases under Rule 11bis, the OTP has also continued to handover investigative material to national prosecutors for their review and further investigations. Co-operation has been launched with the relevant authorities in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia for this purpose. Several of these cases have been or are being tried in Belgrade and Sarajevo.

8. The OTP has carried out numerous activities to ensure a smooth transfer of these proceedings. Meetings were held with the State Prosecutors of Serbia, Bosnia and Herzegovina and Croatia, as well as with the Prime Minister of the former Yugoslav Republic of Macedonia. OTP officials have also taken part in several meetings organised by the OSCE in order to advance the regional cooperation in judicial matters. Progress has been made, but serious obstacles remain to be overcome. The impossibility under current national laws to extradite nationals or to transfer proceedings in cases involving sentences higher than 10 years must be tackled urgently. On 7 September, at the invitation of the Presidency of the OSCE, the Prosecutor travelled to Vienna to encourage this organisation to take the lead in bridging what is often referred to as the "impunity gap".

**Measures taken to speed up trials**

9. The Office of the Prosecutor continues to present six trials daily – a busy and punishing schedule. In each of the Tribunal's three courtrooms, one trial is conducted in the morning and a second trial, involving a second prosecution team, takes its place in the afternoon. This rhythm is sustained, with a great deal of work being done by OTP staff to meet deadlines set by the Judges and to ensure a steady stream of witnesses to give live testimony before the Trial Chambers.

10. The Prosecutor is fully aware of the Council's concerns about the time needed to complete cases. Considerations of time are built into the very fabric of prosecution work. The OTP mission statement itself is expressed as the "positive completion" of the mandate, the aim of this twin test being to ensure that every prosecution decision made contributes not only to achieving justice but also to meeting the Tribunal's overall completion strategy.

11. The Prosecutor's policy has been to seek to join as many accused as possible into single trials. The initial fears that such large cases would be unmanageable have so far not been realised, and three cases, each involving six or more accused, are now running with a total of 23 accused currently on trial. In addition, at all times there is another case ready to begin at short notice if a current trial comes to an end unexpectedly.

12. Trials run to strict timetables established by the Judges, and the speed at which proceedings progress is a driving consideration for all OTP trial teams. It is now the practice for parties to provide detailed estimates of the time required for the presentation of their cases. Precise numbers of hours are allocated for leading evidence, and time is closely monitored even to the level of the number of minutes taken for each courtroom activity.

13. Prosecution teams continue to explore all available avenues to reduce the number of issues that use trial time. Motions are routinely presented to avoid the attendance of witnesses where their written statements will suffice. In light of recent jurisprudence from the Appeals Chamber of the ICTR, which recognised that it was common knowledge that genocide had occurred in Rwanda, there may be increased scope for avoiding proof of matters that are no longer capable of reasonable dispute, and it may also be that specific facts already established in previous trials will become accepted without having to be proven in the subsequent prosecution.

14. Compared with previous years, far fewer ordinary "crime base" witnesses now testify *viva voce* in court, and in one recent case, large portions of evidence were presented in the form of factual dossiers. If witnesses do travel to The Hague, prosecution teams now prepare their evidence in advance in writing, and dispense with live testimony on matters that are presented to the Trial Chamber in the written statement. Reducing the amount of live evidence-in-chief in this way has become standard prosecution practice, and is perhaps the single biggest change in how the prosecution case is presented. Although substantial court time is saved, considerable extra effort is involved in contacting witnesses and preparing written materials, which places new demands on the OTP.

15. Thanks to this new approach, substantial savings of time have been achieved. In one trial, for instance, 69 witnesses were called in 62 court days - 14 witnesses being called in one week - an estimated 50% saving in time. The average time taken by the prosecution to question an ordinary crime base witness is now somewhere between 15 and 30 minutes, depending on whether the witness must refer to documents, maps or videos. This is approximately four times less than the time needed for such witnesses in previous standard trials. Time needed for expert witnesses and insider witnesses has also been substantially reduced.

16. As a result of these steps, timings at the ICTY have become impressive by the standards of any judicial system, and compare extremely well with the first trials before the ICTY in which witnesses were often each examined for several days in the courtroom. There are limits, however, to the extent to which the prosecution can achieve further reductions in its use of courtroom time. The prosecution case is only part of the overall process. In a current case, for example, in which the prosecution have taken 102 hours, the defence has taken 126 hours, and procedural issues or judicial interventions have taken 104 hours. Moreover, not all prosecution initiatives are successful. Efforts to secure the agreement of the defence on factual matters typically do not produce results, and the number of accused now prepared to plead guilty has substantially reduced. Prosecution attempts to resolve witness issues early before some Trial Chambers do not always bear fruit. Some Trial Chambers favour the attendance of witnesses in person, in some instances not allowing documents to be produced unless introduced by witnesses. One Trial Chamber has recently expressed its concerns about the quality of written statements when compared to live testimony, and defence counsel have begun to complain about what they see as "trial by stopwatch", an approach they suggest as being incompatible with the proper exercise of its duties by an independent judicial body. Trials must be both fair and expeditious, and we cannot allow justice to suffer for the sake of expediency.

17. Rule 73 bis of the Tribunal's Rules of Evidence and Procedure now allows a Trial Chamber to direct the Prosecutor to select the counts on the indictment on which to proceed. In two cases this mechanism has resulted in a reduction of the scope of the prosecution case and a restriction of the number of crimes to be proved and evidence to be led. In addition, the Prosecutor continues to conduct her own internal reviews of the extent of prosecution cases, and to consider amendments to indictments, either before or during trials. She will, however, continue to resist reducing counts in indictments where she considers that to do so will damage the prospects of conviction or a proper consideration of the criminality of an accused. The justice provided by the ICTY must continue to be in accordance with the principles of integrity, fair trial and due process. Victims' groups and even defence counsel are increasingly expressing their serious concerns in this regard.

## External factors impacting on the implementation of the completion strategy

### Cooperation of States and other actors

18. The main factor hampering the achievement of the completion strategy has been and remains the failure to arrest and transfer all persons indicted by the Tribunal. Six of them remain at large. In the reporting period, not a single fugitive was taken into custody.

19. The Office of the Prosecutor does not have the power or resources to carry out operations aimed at locating or arresting fugitives on its own. The primary responsibility to locate and arrest the remaining fugitives belongs to the Governments of Serbia and Bosnia and Herzegovina. Unfortunately, neither Serbia, nor Bosnia and Herzegovina are presently cooperating in a satisfactory manner.

20. Radovan Karadzic, the former President of Republika Srpska, is moving between Serbia and Republika Srpska within Bosnia and Herzegovina. Neither the authorities of Republika Srpska, nor the Serbian Government are actively trying to locate Karadzic. The efforts made by the international community in Bosnia and Herzegovina to target his network have also remained fruitless.

21. Ratko Mladic remains at large in Serbia. In July, Serbia issued a well-advertised Action Plan to locate Ratko Mladic and all other fugitives. Unfortunately, this Plan did not tackle seriously the grave dysfunctions noticed in previous reports. These include the lack of political engagement, the absence of trust and cooperation between the institutions involved and the failure to design a focused strategy. Only a robust demonstration of political will by the top leaders of Serbia can reverse the negative trend having affected Serbia's cooperation with the ICTY over the past year and a half.

22. Political will can lead to the quick arrest and transfer of Ratko Mladic, Radovan Karadzic, Zdravko Tolimir, Goran Hadzic and Stojan Zupljanin to The Hague, because all of them, according to the information available to the Prosecutor, are within reach of the Serbian authorities. Furthermore, Serbia is also capable, should the Government wish it, to locate Vlastimir Djordjevic in Russia, where he has been residing for several years.

23. The authorities of Bosnia and Herzegovina share with Serbia the responsibility to arrest and transfer the remaining fugitives to The Hague. There are reliable indications that Radovan Karadzic and Stojan Zupljanin, in particular, continue to move in and out of Bosnia and Herzegovina where they can still count on well-organised support networks. Both the central government in Sarajevo and the authorities of Republika Srpska must intensify their efforts to break these networks and locate and arrest the fugitives.

24. There is no significant problem in the co-operation provided by the other countries in the region, Croatia, the Former Yugoslav Republic of Macedonia and Montenegro.

25. In one particular case, *Haradinaj et al.*, the OTP relies on the co-operation provided by another UN body, the UNMIK. The OTP's principal requests to UNMIK relate to the access to documents and to the protection of witnesses. While there has been some progress on the problems reported in June to the Council, significant issues remain. However, a dialogue has been initiated with the UNMIK and some improvements, particularly regarding OTP's access to documents, have been achieved, with further discussions scheduled before the end of the year. In this regard, the security of witnesses remains a very serious concern. While the more positive approach shown thus far by the new leadership in the UNMIK is encouraging, it will be difficult to restore witness trust given the legacy of the previous UNMIK leadership.

## Conclusion

26. As demonstrated by the present report, the Office of the Prosecutor is doing the maximum to maintain as much as possible the timeframe of the completion strategy. The first deadline of this strategy was met with all the remaining investigations completed by the end of 2004. Additionally, the Office of the Prosecutor continues to work closely with the other organs of the Tribunal to speed up the trials so as to meet the objectives set in Resolutions 1503 and 1534.

27. The successful implementation of the completion strategy however largely depends on the authorities of Serbia and of Bosnia and Herzegovina. They must now take decisive action to bring all six remaining fugitives to The Hague as soon as possible. It would be inconceivable that the Tribunal completes its mandate while Radovan Karadzic and Ratko Mladic, both accused of genocide, remain at large. The victims, and the populations of the former Yugoslavia in general, will never accept that justice was done unless these two most responsible perpetrators are tried. The Council may wish to consider further action to encourage Serbia and Bosnia and Herzegovina to finally fulfil their international obligation under Chapter VII of the Charter.

## Enclosure I

| 1. Persons Convicted or Acquitted after Trial between 25 May 2006 and 15 November 2006 (2 persons)* | | | | |
|---|---|---|---|---|
| **Case** | **Name** | **Former Title** | **Initial Appearance** | **Judgement** |
| 1 | Naser Orić | Military and Police commander, ABiH | 15 April 2003 | 30-June-06 (Convicted) |
| 2 | Momčilo Krajišnik | President of RS National Assembly | 7 April 2000 | 27-September-06 (Convicted) |

* For period prior to 25 May 2006, refer to Annex I, Enclosure I of the previous report, S/2006/353. From the inception of the Tribunal to 15 November 2006, in 28 trials, a total of 42 persons have been convicted and 6 persons acquitted. Three of the 42 convictions were later reversed on appeal.

| 2. Persons Pleading Guilty between 25 May 2006 and 15 November 2006 (0 persons)* | | | | |
|---|---|---|---|---|
| **Case** | **Name** | **Former Title** | **Initial Appearance** | **Judgement** |
| *There were no accused who pleaded guilty during the reporting period.* | | | | |

* For the period prior to 25 May 2006, please refer to Annex I, Enclosure I of the previous report, S/2006/353. From the inception of the Tribunal to 15 November 2006, a total of 19 persons have pleaded guilty in a total of 15 cases.

| 3. Persons Convicted of Contempt between 25 May 2006 and 15 November 2006 (2 persons) | | | |
|---|---|---|---|
| **Case** | **Name** | **Initial Appearance** | **Judgement** |
| 1 | Ivica Marijačić | 14 June 2005 | 27-09-2006 (Conviction affirmed on appeal) |
| | Markica Rebić | | 27-09-2006 (Conviction affirmed on appeal) |
| | **Total Persons: 2** | | |

**Legend:**

*ABiH: Army of Bosnia and Herzegovina*
*RS: Republika Srpska*

## Enclosure II

| 1. Trials in Progress (23 accused, 5 cases)* | | | | |
|---|---|---|---|---|
| **Case** | **Name** | **Former Title** | **Initial Appearance** | **Comments** |
| 1 | Mile Mrkšić | Colonel and Commanding Officer, JNA | 16 May 2002 | "Vukovar Hospital" Trial commenced 10 October 2005 |
| | Miroslav Radić | Captain, JNA | 16 May 2002 | |
| | Veselin Šljivančanin | Major, JNA | 3 July 2003 | |
| 2 | Milan Martić | President, "RSK" | 21 May 2002 | "RSK" Trial commenced 13 December 2005 |
| 3 | Jadranko Prlić | President, "Herceg-Bosna" | 6 April 2004 | "Herceg-Bosna" Trial commenced 26 April 2006 |
| | Bruno Stojić | Head Department of Defence, "Herceg-Bosna" | | |
| | Slobodan Praljak | Assistant Minister Defence, "Herceg-Bosna" | | |
| | Milivoj Petković | Commander, HVO | | |
| | Valentin Ćorić | Chief of Military Police Administration, HVO | | |
| | Berislav Pušić | Military Police Commanding Officer, HVO | | |
| 4 | Dragoljub Ojdanić | Chief of Staff, VJ | 26-Apr-02 | "Kosovo" Trial Commenced 10 July 2006 |
| | Nikola Šainović | Deputy Prime Minister, FRY | 3-May-02 | |
| | Milan Milutinović | President Republic of Serbia | 27-Jan-03 | |
| | Vladimir Lazarević | Commander, Pristina Corps, VJ, Kosovo | 7-Feb-05 | |
| | Sreten Lukić | Head Staff, Serbian Ministry of Internal Affairs, VJ, Kosovo | 6-Apr-05 | |
| | Nebojša Pavković | General, Commander 3rd VJ Army, Kosovo | 25-Apr-05 | |
| 5 | Ljubiša Beara | Colonel, Chief of Security, VRS | 12-Oct-04 | "Srebrenica" Trial Commenced 14 July 2006 |
| | Drago Nikolić | Chief of Security, Drina Corps, VRS | 23-Mar-05 | |
| | Ljubomir Borovčanin | Deputy Commander, Ministry of Interior Special Police Brigade, RS | 7-Apr-05 | |
| | Vujadin Popović | Lt. Colonel, Assist. Commander, Drina Corps, VRS | 18-Apr-05 | |
| | Vinko Pandurević | Commander, Zvornik Brigade, VRS | 31-Mar-05 | |
| | Milan Gvero | Assistant Commander, VRS | 2-Mar-05 | |

| | | | | |
|---|---|---|---|---|
| | Radivoje Miletić | Chief of Operations, Deputy Chief of Staff, VRS | 2-Mar-05 | |
| | **Total persons: 23** | | | |

*All figures as of 15 November 2006. The case against Vojislav Šešelj is scheduled to commence on 27 November 2006.

**Legend**:

*FRY:* *Federal Republic of Yugoslavia*
*Herceg-Bosna:* *Croatian Republic of Herceg-Bosna*
*HVO:* *Croatian Defence Council*
*JNA:* *Yugoslav People's Army*
*RS:* *Republika Srpska*
*RSK:* *Republic of Serbian Krajina /Republika Srpska Kkrajina*
*VRS:* *Bosnian Serb Army*
*VJ:* *Armed Forces of the Federal Republic of Yugoslavia*

| **2. Contempt Cases in Progress (2 accused, 2 cases)*** | | | |
|---|---|---|---|
| **Case** | **Name** | **Initial Appearance** | **Comments** |
| 1 | Domagoj Margetić | 13 October 2006 | Assigned to Trial Chamber |
| 2 | Josip Jović | 14 October 2005 | 30-08-2006 (Convicted by Trial Chamber) Appeal pending |
| | **Total Persons: 2** | | |

*All figures as of 15 November 2006.

**Legend**:

*ABiH:* *Army of Bosnia and Herzegovina*
*Herceg-Bosna:* *Croatian Republic of Herceg-Bosna*
*HVO:* *Croatian Defence Council*
*JNA:* *Yugoslav People's Army*
*RS:* *Republika Srpska*
*RSK:* *Republic of Serbian Krajina /Republika Srpska Kkrajina*

**Enclosure III**

| 1. Arrivals at the Tribunal between 25 May 2006 and 15 November 2006 (1 accused) | | | | | |
|---|---|---|---|---|---|
| | **Name** | **Former Title** | **Place of crime** | **Arrival Date** | **Initial Appearance** |
| 1 | Dragan Zelenović | Sub Commander, Military Police, Serb forces | Foča, BiH | 10 June 2006 | 13 June 2006 |
| **Total new arrivals in reporting period: 1** | | | | | |

| 2. Remaining Fugitives (6 accused) | | | | |
|---|---|---|---|---|
| | **Name** | **Former Title** | **Place of Crime** | **Date indictment** |
| 1 | Radovan Karadžić | President, RS | BiH | 25 July 1995 |
| 2 | Ratko Mladić | Commander, Main Staff, VRS | BiH | 25 July 1995 |
| 3 | Vlastimir Đorđević | Assistant Minister, Serbian Ministry of Internal Affairs, VJ | Kosovo | 25 September 2003 |
| 4 | Goran Hadžić | President, "SAO SBWS" | Croatia | 28 May 2004 |
| 5 | Stojan Župljanin | Head or Commander of the Serb Operated Regional Security Services Centre | Krajina, Croatia | 6 October 2004 |
| 6 | Zdravko Tolimir | Assistant Commander, Intelligence and Security of the Main Staff, VRS | Srebrenica and Zepa | 10 February 2005 |
| | **Total Remaining Indictees: 6** | | | |

**Legend**:

*BiH: Bosnia and Herzegovina*
*RS: Republika Srpska*
*SAO SBWS: Serbian Autonomous District, Slavonia Baranja and Western Srem*
*VRS: Bosnian Serb Army*
*VJ: Armed Forces of the Federal Republic of Yugoslavia*

## Enclosure IV

| Accused Awaiting Trial as of 15 November 2006 ( 15 Accused, 9 Cases) | | | |
|---|---|---|---|
| **Case** | **Name** | **Former Title** | **Initial Appearance** |
| 1 | Vojislav Šešelj | President, SRS | 26-Feb-03 |
| 2 | Franko Simatović* | Commander, Special Operations Unit, State Security Services ("DB"), Republic of Serbia | 2-Jun-03 |
| | Jovica Stanišić* | Head, State Security Services ("DB"), Republic of Serbia | 12-Jun-03 |
| 3 | Ante Gotovina | Commander, Split Military District, HV | 12-Dec-05 |
| | Ivan Čermak* | Assistant Minister Defence, Commander of Military Police, Croatia | 12-Mar-04 |
| | Mladen Markač* | Special Police Commander, Croatia | |
| 4 | Dragomir Milošević | Chief Commander, Romanija Corps, VRS | 7-Dec-04 |
| 5 | Rasim Delić* | Commander, ABiH | 3-Mar-05 |
| 6 | Momčilo Perišić* | Chief of General Staff, VJ | 9-Mar-05 |
| 7 | Ramush Haradinaj* | Commander, KLA | 14-Mar-05 |
| | Idriz Balaj | Commander, KLA | 14-Mar-05 |
| | Lahi Brahimaj | Deputy Commander, KLA | 14-Mar-05 |
| 8 | Mićo Stanišić* | Minister, Internal Affairs, RS | 17-Mar-05 |
| 9 | Johan Tarčulovski | Personal Security Officer for President, FYROM | 21-Mar-05 |
| | Ljube Boškoski | Minister of Interior, FYROM | 1-Apr-05 |
| | **Total Persons: 15** | | |

* On provisional release. In total, there are eight accused awaiting trial who are on provisional release.

**Legend**:

*ABiH*: *Army of Bosnia and Herzegovina*
*FYROM*: *Former Yugoslav Republic of Macedonia*
*HV*: *Croatian Army*
*KLA*: *Kosovo Liberation Army*
*RS*: *Republika Srpska*
*SRS*: *Serbian Radical Party*
*VRS*: *Bosnian Serb Army*
*VJ*: *Armed Forces of the Federal Republic of Yugoslavia*

**Enclosure V**

| 11bis motions pending as of 15 November 2006 (5 Accused, 4 Cases) | | | | |
|---|---|---|---|---|
| **Case** | **Name** | **Former Title** | **Motion filed** | **Status** |
| 1 | Dragan Zelenović | Sub-commander Military Police, paramilitary leader, Foča, BiH | 21-Sep-04 | Pending decision |
| 2 | Vladimir Kovačević | Commander, JNA | 28-Oct-04 | Pending decision |
| 3 | Sredoje Lukić | Member, Serb paramilitary unit, BiH | 01-Feb-05 | Pending decision |
| | Milan Lukić | Member, Serb paramilitary unit, BiH | | |
| 4 | Milorad Trbić | Deputy Commander, Third Battalion VRS | 3-May-06 | Pending decision |
| | **Total Persons: 5** | | | |

| 11bis motions granted on appeal between 25 May 2006 and 15 November 2006 (3 Accused, 2 Cases)* | | | | |
|---|---|---|---|---|
| **Case** | **Name** | **Former Title** | **Motion filed** | **Status** |
| 1 | Pasko Ljubičić | Commander 4th Military Police Battalion, HVO | 04-Nov-04 | Case affirmed on appeal on 6 July 2006; the accused was transferred to BiH on 22 September 2006 |
| 2 | Savo Todović | Deputy Commander, Foča Kazneno-Popravni Dom prison staff, BiH | 01-Nov-04 | Case affirmed on appeal on 4 September 2006; the accused were transferred to BiH on 3 October 2006 |
| | Mitar Rašević | Commander, Foča Kazneno-Popravni Dom prison guards, BiH | 04-Nov-04 | |
| | **Total Persons: 3** | | | |

* In total, 11 Accused in six cases have been referred to the region on Rule 11*bis* motions to date.

**Legend**:

*BiH: Bosnia and Herzegovina*
*HVO: Croatian Defence Council*
*JNA: Yugoslav People's Army*
*VRS: Bosnian Serb Army*

**Enclosure VI**

## APPEALS COMPLETED FROM 25 MAY 2006 [1]

(with date of Filing and Decision)

### INTERLOCUTORY

| | |
|---|---|
| **ICTY** | |
| 1. Seselj IT-03-67-AR72.1 | 02/02/06-15/06/06 |
| 2. Popovic et al IT-05-88-Ar65.2 | 17/05/06-30/06/06 |
| 3. Prlic et al IT-04-74-AR73.2 | 15/06/06-04/07/06 |
| 4. Boskoski & Tarculovski IT-04-82-Ar65.3 | 07/07/06-28/08/06 |
| 5. Martić IT-95-11-AR73.2 | 21/06/06-14/09/06 |
| 6. Krajisnik IT-00-39-Ar73.2 | 30/06/06-15/09/06 |
| 7. Prlic IT-04-74-Ar73.3 ***Confidential*** | 30/06/06-04/10/06 |
| 8. D. Milosevic IT-98-29/1-Ar65.1 | 22/08/06-18/10/06 |
| 9. Seselj IT-03-67-AR73.3 | 04/09/06-20/10/06 |
| 10. Gotovina IT-01-45-Ar73.1 | 17/08/06-25/10/06 |
| 11. Markac IT-03-73-Ar73.1 | 21/08/06-25/10/06 |
| 12. Cermak IT-03-73-Ar73.2 | 21/08/06-25/10/06 |
| 1. Muvunyi - ICTR-00-55A-AR73(C) | |
| 2. Karemera et al. - ICTR-98-44-AR73(C) | 15/05/06-29/05/06 |
| 3. Karemera et al - ICTR-98-44-AR73.7 | 12/12/05-16/06/06 |
| 4. Karemera - ICTR-98-44-AR72.7 | 07/03/06-30/06/06 |
| 5. Ntabakuze ICTR-98-41-Ar73 | 30/05/06-25/08/06 |
| 6. Bagosora - ICTR-98-41-AR73 | 20/07/06-18/09/06 |
| 7. Butare – ICTR-97-21-AR73 | 29/05/06-26/09/06 |
| 8. Zigiranyirazo ICTR-2001-73-AR73 | 08/06/06-27/10/06 |
| | 19/06/06-30/10/06 |

### FROM JUDGEMENT

| | |
|---|---|
| **ICTY** | |
| 1. Strugar IT-01-42-A | 02/03/05-20/09/06 |
| **ICTR** | |
| 1. Ntagerura et al ICTR-99-46-A | 04/03/04-07/07/06 |
| 2. Gacumbitsi ICTR-01-64-A | 16/07/04-07/07/06 |

### OTHER

| | |
|---|---|
| **ICTY** | |
| 1. Zigic IT-98-30/1-A | 19/06/06-04/07/06 |
| 2. Vasiljevic IT-98-32-A *Confidential* | 08/06/06-10/07/06 |
| 3. Kordic IT-95-14/2-A *Confidential* | 10/07/06-05/09/06 |
| 4. Delic IT-04-83.Misc.1 | 20/09/06-01/11/06 |
| 5. Radic IT-98-30/1-R.1 | 13/10/06-10/11/06 |
| **ICTR** | |
| 1. Rutaganira ICTR-95-IC-T | 04/07/06-24/08/06 |
| 2. Niyitigeka ICTR-96-14-R (reconsideration) | 02/08/06-27/09/06 |
| 3. Ntabakuze ICTR-98-41-Ar73 | 14/07/06-04/10/06 |

### REFERRAL

| | |
|---|---|
| **ICTY** | |
| 1. Ljubicic IT-00-41-AR11bis.1 | 25/04/06-04/07/06 |
| 2. Rasevic & Todovic IT-97-25/1-AR11bis.1 & AR11bis.2 | 15/06/06-04/09/06 |
| **ICTR** | |
| 1. Bagaragaza ICTR-05-86-AR11bis | 02/06/06-30/08/06 |

### REVIEW

| | |
|---|---|
| **ICTY** | |
| 1. Zigic IT-98-30/1-A | 07/12/05-26/06/06 |
| 2. Kvo-ka et al IT-98- 30/1-R.2 | 14/06/06-28/08/06 |
| 3. Radic IT-98-30/1-R.1 | 27/02/06-31/10/06 |
| **ICTR** | |
| 1. Niyitegeka ICTR-96-14-R | 27/10/04-30/06/06 |

| | | | |
|---|---|---|---|
| | | **CONTEMPT** | |
| | | 1. Marijacic and Rebic<br>IT-95-14-R77.2-A | 20/03/06-27/09/06 |

**Total number of Appeals Completed from 25 May 2006 = 39**

Interlocutory Appeals = 20 Contempt = 1 Referral = 3
Appeals from Judgement = 3 Review = 4 Other = 8

## Enclosure VII

### APPEALS pending as of 15 NOVEMBER 2006 [2]
(with date of filing)

#### INTERLOCUTORY

**ICTY**

| | | |
|---|---|---|
| 1. | Trbic IT-05-88/1-Ar73.1 *Confidential* | 17/07/06 |
| 2. | Boskoski IT-04-82-Ar72.2 | 22/09/06 |

#### FROM JUDGEMENT

**ICTY**

| | | |
|---|---|---|
| 1. | Simi} IT-95-9-A | 17/11/03 |
| 2. | Gali} IT-98-29-A | 15/12/03 |
| 3. | Brđanin IT-99-36-A | 30/09/04 |
| 4. | Blagojevic/Jokic IT-02-60-A | 23/02/05 |
| 5. | Halilovic IT-01-48-A | 16/12/05 |
| 6. | Limaj IT-03-66-A | 30/12/05 |
| 7. | Bralo IT-95-17-A | 05/01/06 |
| 8. | Hadzihasanovic/Kubura IT-01-47-A | 13/04/06 |
| 9. | Oric IT-03-68-A | 31/07/06 |
| 10. | Krajisnik IT-00-39-A | 25/10/06 |

**ICTR**

| | | |
|---|---|---|
| 1. | Nahimana et al ICTR-99-52-A | 12/12/03 |
| 2. | Ndindabahizi ICTR-01-71-A | 13/08/04 |
| 3. | Muhimana ICTR-95-1B-A | 20/05/05 |
| 4. | Simba ICTR-01-76-A | 14/12/05 |
| 5. | Muvunyi ICTR-00-55A-A | 12/10/06 |

#### OTHER

**ICTY**

| | | |
|---|---|---|
| 1. | Krnojelac IT-97-25-A *Confidential* | 05/10/06 |
| 2. | Stakic IT-97-24-R | 05/10/06 |
| 3. | Gotovina et al IT-06-90-Ar108bis.1 | 25/10/06 |
| 4. | Prlic et al IT-04-74-Ar108bis.1 | 25/10/06 |
| 5. | Stakic IT-97-24-A | 27/10/06 |
| 6. | Gotovina, Cermak & Markac IT-03-73-Ar73.1 | 08/11/06 |

**ICTR**

| | | |
|---|---|---|
| 1. | Karemera ICTR-98-44-AR73(C) | 07/08/06 |
| 2. | Nzirorera ICTR-98-44-Ar73 (C) | 17/08/06 |
| 3. | Ngirumpatse ICTR-98-44-Ar73( C) | 29/08/06 |

#### REFERRAL

#### REVIEW

**ICTY**

| | | |
|---|---|---|
| 1. | Blaskic IT-95-14-R | 29/07/04 |

**ICTR**

| | | |
|---|---|---|
| 1. | Rutaganda ICTR-96-3-R | 13/04/06 |

#### CONTEMPT

**ICTY**

| | | |
|---|---|---|
| 1. | Josip Jovic IT-95-14 & 14/2-R77-A | 14/09/06 |

[2] **Total number of Appeals pending = 29**

Interlocutory Appeals = 2 Contempt = 1 Referral = 0
Appeals from Judgement = 15 Review = 2 Other = 9

**Enclosure VIII**

## MOTIONS disposed of from 25 MAY 2006
(with date of disposition)

**ICTY**

1. Blagojevic/Jokic IT-02-60-A 26/06/06
2. Blagojevic/Jokic IT-02-30-A 13/07/06
3. Blagojevic/Jokic IT-02-30-A 30/08/06
4. Blagojevic/Jokic IT-02-30-A 31/08/06
5. Blagojevic/Jokic IT-02-30-A 27/09/06
6. Blagojevic/Jokic IT-02-30-A 10/11/06
7. Blaskic IT-95-14-R 01/06/06
8. Blaskic IT-95-14-R 20/06/06
9. Blaskic IT-95-14-R 29/06/06
10. Blaskic IT-95-14-R 13/07/06
11. Blaskic IT-95-14-R 28/07/06
12. Blaskic IT-95-14-R 03/08/06
13. Blaskic IT-95-14-R 06/08/06
14. Blaskic IT-95-14-R 06/08/06
15. Blaskic IT-95-14-R14/08/06
16. Blaskic IT-95-14-R 22/08/06
17. Blaskic IT-95-14-R 24/08/06
18. Blaskic IT-95-14-R 24/08/06
19. Blaskic IT-95-14-R 25/08/06
20. Blaskic IT-95-14-R 05/09/06
21. Blaskic IT-95-14-R 20/09/06
22. Blaskic IT-95-14-R 02/11/06
23. Blaskic IT-95-14-R 03/11/06
24. Blaskic IT-95-14-R 14/11/06
25. Blaskic IT-95-14-R 14/11/06
26. Bralo IT-95-17-A 15/08/06
27. Bralo IT-95-17-A 30/08/06
28. Brdanin IT-99-36-A 15/06/06
29. Brdanin IT-99-36-A 24/07/06
30. Brdanin IT-99-36-A 03/10/06
31. Brdanin IT-99-36-A 10/10/06
32. Brdanin IT-99-36-A 27/10/06
33. Brdanin IT-99-36-A 03/11/06
34. Cermak & Markac IT-03-73-Ar73.3 14/09/06
35. Galic IT-98-29-A 08/06/06
36. Galic IT-98-29-A 15/06/06
37. Galic IT-98-29-A 21/06/06
38. Galic IT-98-29-A 14/07/06
39. Galic IT-98-29-A 14/08/06
40. Galic IT-98-29-A 28/08/06
41. Galic IT-98-29-A 29/08/06
42. Galic IT-98-29-A 10/11/06
43. Galic IT-98-29-A 14/11/06
44. Gotovina IT-01-45-Ar.73.1 21/08/06
45. Gotovina IT-06-90-Ar108bis.1 10/11/06
46. Hadzihasanovic/Kubura IT-01-47-A 27/06/06
47. Hadzihasanovic/Kubura IT-01-47-A 13/07/06
48. Hadzihasanovic/Kubura IT-01-47-A 13/07/06
49. Hadzihasanovic/Kubura IT-01-47-A 26/07/06
50. Hadzihasanovic/Kubura IT-01-47-A 08/08/06
51. Hadzihasanovic/Kubura IT-01-47-A 13/07/06
52. Hadzihasanovic/Kubura IT-01-47-A 14/11/06
53. Halilovic IT-01-48-A 14/07/06
54. Halilovic IT-01-48-A 06/09/06
55. Halilovic IT-01-48-A 22/09/06
56. Halilovic IT-01-48-A 27/10/06
57. Jovic IT-95-14&14/2-R77-A 29/09/06
58. Jovic IT-95-14&14/2-R77-A 29/09/06
59. Jovic IT-95-14&14/2-R77-A 06/10/06
60. Krajisnik IT-00-39-A 26/10/06
61. Limaj et al IT-03-66-A 08/06/06
62. Limaj et al IT-03-66-A 09/08/06
63. Limaj et al IT-03-66-A 28/08/06
64. Limaj et al IT-03-66-A 01/09/06
65. Limaj et al IT-03-66-A 01/09/06
66. Limaj et al IT-03-66-A 31/10/06
67. Limaj et al IT-03-66-A 03/11/06
68. Limaj et al IT-03-66-A 06/11/06
69. Marijacic & Rebic IT-95-14-R77.2.A 20/06/06
70. Martic IT-95-11-Ar73.2 23/06/06
71. Oric IT-03-68-A 03/10/06
72. Oric IT-03-68-A 06/10/06
73. Pavkovic IT-05-88-Ar65.2 20/07/06
74. Prlic et al IT-04-74-Ar73.3 14/06/06
75. Prlic et al IT-04-74-Ar73.3 14/06/06
76. Prlic et al IT-04-74-Ar108bis.1 10/11/06
77. Radic IT-98-30/1-R.1 10/11/06
78. Rasevic & Todovic IT-97-25/1-Ar11bis.1 28/06/06
79. Seselj IT-03-67-Ar73.3 15/06/06
80. Seselj IT-03-67-Ar73.3 27/09/06
81. Simic IT-95-9-A 01/06/06
82. Simic IT-95-9-A 07/09/06
83. Simic IT-95-9-A 02/11/06
84. Strugar IT-01-42-A 21/07/06
85. Trbic IT-05-88/1-Ar73.1 20/07/06

**ICTR**

1. Bagaragaza ICTR-05-86-Ar11bis 02/06/06
2. Bagaragaza ICTR-05-86-Ar11bis 08/06/06
3. Bagosora et al ICTR-98-41-Ar73 01/06/06
4. Bagosora et al ICTR-98-41-Ar73 14/08/06
5. Bagosora et al ICTR-98-41-Ar73 14/08/06
6. Gacumbitsi ICTR-01-64-A 26/05/06
7. Karemera et al ICTR-98-44-Ar73(c) 01/06/06
8. Karemera et al ICTR-98-44-Ar73(c) 09/06/06
9. Karemera et al ICTR-98-44-Ar73(c) 14/08/06
10. Karemera et al ICTR-98-44-Ar73(c) 14/08/06
11. Karemera et al ICTR-98-44-Ar73(c) 24/08/06
12. Karemera et al ICTR-98-44-Ar73(c) 31/08/06
13. Muhimana ICTR-95-1B-A 13/06/06
14. Muhimana ICTR-95-1B-A 21/06/06
15. Muhimana ICTR-95-1B-A 14/08/06
16. Muhimana ICTR-95-1B-A 11/09/06
17. Muhimana ICTR-95-1B-A 11/09/06
18. Muhimana ICTR-95-1B-A 25/09/06
19. Muhimana ICTR-95-1B-A 14/11/06
20. Muvunyi ICTR-00-55A-A 18/10/06
21. Nahimana et al ICTR-99-52-A 26/05/06
22. Nahimana et al ICTR-99-52-A 14/06/06
23. Nahimana et al ICTR-99-52-A 20/06/06
24. Nahimana et al ICTR-99-52-A 23/06/06
25. Nahimana et al ICTR-99-52-A 28/06/06
26. Nahimana et al ICTR-99-52-A 17/08/06
27. Nahimana et al ICTR-99-52-A 17/08/06
28. Nahimana et al ICTR-99-52-A 12/09/06
29. Nahimana et al ICTR-99-52-A 20/09/06
30. Nahimana et al ICTR-99-52-A 30/10/06
31. Nahimana et al ICTR-99-52-A 30/10/06
32. Ndindabahizi ICTR-01-71-A 14/06/06
33. Ndindabahizi ICTR-01-71-A 14/11/06
34. Niyitigeka ICTR-96-14-R 14/08/06
35. Ntabohali & Nyiramasahuko ICTR-97-21-Ar73 13/06/06
36. Rutaganira ICTR-95-IC-T 14/08/06
37. Simba ICTR-01-76-A 20/06/06
38. Simba ICTR-01-76-A 15/08/06
39. Simba ICTR-01-76-A 17/08/06
40. Simba ICTR-01-76-A 11/09/06
41. Simba ICTR-01-76-A 18/09/06
42. Simba ICTR-01-76-A 29/09/06
43. Simba ICTR-01-76-A 04/10/06
44. Simba ICTR-01-76-A 08/11/06
45. Zigiranyirazo ICTR-2001-73-Ar73 21/06/06
46. Zigiranyirazo ICTR-2001-73-Ar73 03/07/06

United Nations S/2006/899

Security Council

Distr.: General
17 November 2006

Original: English

**Letter dated 17 November 2006 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council**

I would be grateful if you would have the attached letter from Secretary of State Rice on Iraq circulated as a document of the Security Council (see annex).

(*Signed*) John R. **Bolton**

06-61981 (E) 171106

## Annex to the letter dated 17 November 2006 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolution 1637 (2005).

The Government of Iraq and MNF in Iraq continue to improve their cooperation through a security partnership to combat the challenges that threaten Iraq's security and stability. This partnership has evolved over time to incorporate the increasing leadership by Iraqi security forces in fighting and deterring terrorism and other violent acts throughout Iraq's 18 provinces. In the context of this partnership, MNF is prepared to continue to undertake a broad range of tasks to contribute to the maintenance of security and stability and to ensure force protection, acting under the authorities set forth in resolution 1546 (2004), including the tasks and arrangements set out in the letters annexed thereto, and in close cooperation with the Government of Iraq. The forces that make up MNF will remain committed to acting consistently with their obligations and rights under international law, including the law of armed conflict.

Iraqi security forces have already made substantial progress this year in developing their capabilities and, as a result, they are shouldering a greater portion of the responsibility for Iraq's security. This progress is most notable in their assumption of security responsibility in Dhi Qar and Muthana and the assumption of operational command and control over the Ground, Naval, and Air Force Commands and two Iraqi military divisions by the Ministry of Defense.

The Government of Iraq and MNF have agreed on three common goals: Iraqi assumption of recruiting, training, equipping and arming of the Iraqi security forces; Iraqi assumption of command and control over Iraqi forces; and transferring responsibility for security to the Government of Iraq. We look forward to recommendations from the newly formed high-level working group on how these goals can best be achieved. The strong partnership between the Government of Iraq and MNF is a vital factor in fulfilling these goals. Together we will build towards the day when the Iraqi forces assume full responsibility for the maintenance of security and stability in Iraq.

The co-sponsors intend to annex this letter to the resolution on Iraq that is under consideration. In the meantime, I request that you provide copies of the present letter to members of the Council as quickly as possible.

(*Signed*) Condoleezza **Rice**

United Nations S/2006/900

Security Council

Distr.: General
20 November 2006

Original: English

## Draft resolution

*The Security Council,*

*Recalling* all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004 and 1639 (2005) of 21 November 2005,

*Reaffirming* its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

*Emphasizing* its full support for the High Representative's continued role in Bosnia and Herzegovina,

*Underlining* its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

*Recalling* all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

*Further recalling* the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

*Emphasizing* its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

*Emphasizing* that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

*Recalling* the declarations of the Ministerial meetings of the Peace Implementation Conference,

06-62405 (E) 211106

*Recognizing* that full implementation of the Peace Agreement is not yet complete, while *paying tribute* to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the eleven years since the signing of the Peace Agreement,

*Emphasizing* the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while *recognizing* the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

*Noting* the reports of the High Representative, including his latest report of 6 October 2006 (S/2006/810, annex),

*Determined* to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

*Recalling* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

*Welcoming and encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

*Taking note* of the conclusions of EU Foreign Ministers at their meeting of 12 June 2006, which refer to the requirement for EUFOR to remain in Bosnia and Herzegovina beyond 2006, and confirm the EU's intention to take the steps necessary to that end,

*Recalling* the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

*Further recalling* the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

*Welcoming* the European Union's increased engagement in Bosnia and Herzegovina and the continued engagement of NATO,

*Further welcoming* tangible signs of Bosnia and Herzegovina's progress towards the European Union, and, in particular, the progress made in the negotiations of Bosnia and Herzegovina with the EU on a Stabilization and Association Agreement, and *calling* on the authorities in Bosnia and Herzegovina to implement in full their undertakings, including on police reform, as part of that process,

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and

Herzegovina of 10 November 1995 (S/1995/1021, annex) and *calls upon* the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that under Annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for the EU force and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its Annexes and Appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with Annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended with its resolution 1639 (2005) of 21 November 2005, and welcomes their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation to Bosnia and Herzegovina from November 2006;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of 12 months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and *authorizes* the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in Annex 1-A and its appendices, and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for the compliance with that Annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those Annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and *recognizes* the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to *provide* appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation* for the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.

United Nations S/2006/901

Security Council

Distr.: General
17 November 2006

Original: English

**Letter dated 15 November 2006 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council**

Please find attached the assessment of the work of the Security Council during the presidency of Ghana in August 2006 (see annex). This assessment was prepared under my responsibility following consultations with the other members of the Council.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Nana **Effah-Apenteng**
Ambassador and Permanent Representative

06-62135 (E) 271106

## Annex to the letter dated 15 November 2006 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council

## Assessment of the work of the Security Council during the presidency of Ghana (August 2006)

1. Although Ghana's tenure as president of the Security Council, in August 2006, was dominated by the crisis in Lebanon and Darfur in the Sudan, several other important issues on the Council's agenda were addressed leading to significant decisions. These included the situations in Timor-Leste, Haiti, Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Somalia and the Middle East including the Palestinian question. The highlight of the Council's efforts was an open debate on peace consolidation in West Africa, chaired by the Minister for Foreign Affairs of Ghana, the Honourable Nana Akufo-Addo; the adoption of resolution 1701 (2006) on the cessation of hostilities between Israel and Lebanon and the adoption of resolution 1706 (2006) requesting the Government of the Sudan to consent to the expansion of the United Nations Mission in the Sudan (UNMIS) into the Darfur region.

2. The Council held 8 official meetings and 18 informal consultations. It adopted eight resolutions and three presidential statements. The President also made three statements to the press on behalf of the Security Council.

### Africa

#### Burundi

3. On 25 August the Security Council held informal consultations on Burundi at which the acting Special Representative of the Secretary-General, Nureldin Satti, briefed the members on the situation in that country and the setting up of a United Nations Integrated Office in Burundi (BINUB), from the beginning of 2007, as recommended by the Secretary-General in an addendum to his seventh report on the United Nations Operation in Burundi (ONUB). Members of the Council noted that the proposed establishment of BINUB was based on the United Nations common action plan, as agreed with the Government of Burundi in July 2006, and reiterated their support for the efforts of the Regional Peace Initiative on Burundi and the South African Facilitation to broker a peace agreement between the Government of Burundi and the Palipehutu-Forces nationales de libération (FNL).

4. Subsequent to the meeting, a statement was made to the press by the Security Council President in which he, inter alia, conveyed the concerns of the members of the Council about the reports of a possible coup attempt in Burundi and the subsequent arrest of political leaders. The Council members encouraged the Government of Burundi to follow the due process of the law during its investigations of the alleged coup attempt. They further called on the Government and all parties in Burundi to preserve peace and national reconciliation and to promote social concord in that country.

**Côte d'Ivoire**

5. On 7 August the Council held a meeting to consider the situation in Côte d'Ivoire, at which the President of the Security Council made a statement (S/PRST/2006/37) on behalf of its members. The Council affirmed its commitment to the implementation of the Ivorian peace process and the road map established by the International Working Group. It also reiterated its full support for the Prime Minister, Charles Konan Banny, and welcomed his initiatives and the ongoing dialogue among President Laurent Gbagbo, the Prime Minister and all other Ivorian parties. Further, the Council welcomed the launch of the mobile courts throughout Côte d'Ivoire, the completion of the pre-cantonment of the Defence and Security Forces of Côte d'Ivoire and the armed forces of the Forces nouvelles, and the establishment of the disarmament, demobilization and reintegration Monitoring Group.

6. In addition, the Council took note of the signing of a presidential decree allowing the Independent Electoral Commission to propose technical adjustments to the electoral code for the transitional elections. It, however, expressed concern about obstructions to the deployment of the Commission's structures throughout the country and the establishment of the local offices of the National Commission for the Supervision of the Identification Process. It urged the Ivorian parties to solve these problems without delay and underlined the importance of guaranteeing the independence and neutrality of the media in Côte d'Ivoire.

**Democratic Republic of the Congo**

7. On 3 August the Council held consultations at which it was briefed by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, on the elections held in the Democratic Republic of the Congo on 30 July 2006. Subsequently, a formal meeting was held, at which the President made a statement on behalf of the Council (S/PRST/2006/36). The statement commended the citizens of the Democratic Republic of the Congo for the high voter turnout during the free and historic elections held on 30 July 2006 and appealed to them to accept the results in the same spirit of civic responsibility and to display the same commitment in the subsequent polls, with a view to ensuring the success of the democratic process. It also expressed its gratitude to the Independent Electoral Commission for its support to the International Committee of Eminent Persons chaired by President Joachim Chissano, the United Nations Mission in the Democratic Republic of the Congo (MONUC), and all the international partners of the Democratic Republic of the Congo, whose role contributed greatly to the realization, serenity and fairness of the electoral process.

8. The Council noted in the statement that the electoral campaign and the voting process were carried out in a largely calm environment, and deplored the incidents which occurred, in particular in Kinshasa, Mbuji Mayi and Mweka. It endorsed the opinion of the International Committee in Support of the Transition. The Council stressed that the elections would mark the completion of a long period of rule by transitional institutions and the start of democratic rule, while stating that those destined to lead the country would bear the important responsibility of providing long-term foundations for the restoration of peace and stability, national reconciliation and the establishment of the rule of law in the Democratic Republic of the Congo.

9. On 4 August the Council members held consultations during which they were briefed by the Under-Secretary-General for Peacekeeping Operations on the elections in the Democratic Republic of the Congo. The Council members reiterated their support for the election process, stressed the need for political tolerance and inclusiveness by all parties and looked forward to receiving information on the outcome of the first round of voting in the country.

10. In previously unscheduled consultations held on 22 August, the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, briefed the Council on the official announcement on 20 August of the provisional results of the first round of the presidential election in the Democratic Republic of the Congo and the subsequent outbreak of violence. The members of the Council expressed their concern about the clashes between armed elements in Kinshasa. They, therefore, demanded that the Congolese political leadership exercise restraint, immediately implement the ceasefire agreed between their forces and henceforth refrain from any threats or use of force or intimidation against political opponents and their supporters. They also stressed that there could be no military solution to political issues in the Democratic Republic of the Congo and urged all parties to take immediate steps to support the democratic process that was under way. Further, members called on the Congolese leadership not to allow the progress made by the people of the country to be derailed. They expressed the hope that the proposed meeting between President Joseph Kabila and Vice-President Jean-Pierre Bemba would be held as soon as possible to defuse political tension.

11. Following the meeting, a statement was made to the press by the President, indicating, inter alia, that the members of the Security Council had taken note of the official announcement of the provisional results of the first round of the presidential election in the Democratic Republic of the Congo and reiterated their appreciation of the remarkable work of the Independent Electoral Commission, which had allowed the elections to be held in the best possible conditions. The Council commended the people of the Democratic Republic of the Congo for their commitment to the democratic process, as demonstrated by the high voter turnout, and appealed to the political leaders to respect the electoral calendar established by the Independent Electoral Commission. They also expressed appreciation for the effective operation of EUFOR in support of MONUC, renewed their support for the Committee in Support of the Transition and MONUC, and condemned any action threatening their security.

**Panel of Experts on the Democratic Republic of the Congo**

12. The Secretary-General, in a letter dated 7 August 2006 to the President of the Security Council (S/2006/624), informed the Council that, in consultation with the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, he had reappointed four members of the Group of Experts on that country — Ibra Déguène Ka (Senegal, Chairman), Enrico Carisch (Switzerland, finance expert), Abdoulaye Cissoko (Mali, aviation expert) and Jean Luc Gallet (France, customs and border control expert) — as requested by the Council in its resolution 1698 (2006). He noted that a fifth expert would be proposed soon. Subsequently, the Secretary-General, in a letter dated 28 August 2006 to the President of the Security Council (S/2006/693), informed the Council that, in consultation with the Committee established pursuant to resolution

1533 (2004), he had appointed an arms expert, David Huxford (United Kingdom of Great Britain and Northern Ireland), for an initial period until 31 December 2006.

**International Criminal Tribunal for Rwanda**

13. Pursuant to the request conveyed by identical letters dated 25 August 2006 from the Secretary-General to the President of the General Assembly and the President of the Security Council, the Security Council met on 29 August and unanimously adopted resolution 1705 (2006) by which it decided, in accordance with article 12 ter of the Statute of the International Criminal Tribunal for Rwanda, to extend the elected term of Judge Solomy Balungi Bossa as an ad litem judge of the Tribunal until 24 June 2007, and authorized her to continue to serve as a judge in the *Butare* case from 28 August 2006 until its completion.

**Somalia**

14. In informal consultations on 16 August, the Special Representative of the Secretary-General, François Fall, provided an update on the talks in Khartoum between the Transitional Federal Government and the Islamic Courts Union which, after the initial meeting on 22 June 2006, had not been convened. The members of the Council urged the two parties to exercise maximum restraint in Somalia and participate in the Khartoum talks. The Council reaffirmed its support for the Transitional Federal Government while it requested the two parties and regional powers to abide by the United Nations arms embargo.

**Sudan**

15. Informal consultations were held on the situation in Darfur, following the circulation of the Secretary-General's report of 28 July 2006 (S/2006/591) and his letter dated 10 August, in both of which he stressed the deterioration in the situation in Darfur. The Council members deplored the escalation in violence since the signing of the Darfur Peace Agreement on 5 May 2006, which had resulted in the displacement of 25,000 more persons. In addition, the mounting attacks on humanitarian workers resulting in a record number of deaths posed a grave threat to the lifeline of the displaced.

16. The Council also expressed concern about the delay in the implementation of the Darfur Peace Agreement. Some members blamed this on the failure of some factions to sign the Agreement, while others attributed the slow pace mainly to the limitations of the African Union Mission in the Sudan (AMIS), whose mandate was expected to expire by the end of September 2006. The Secretary-General's proposals for strengthening AMIS were received positively, although the majority of Council members felt that that could not be a substitute for the deployment of a robust and sizeable United Nations mission.

17. The Council held informal consultations on the Sudan also on 24 August, during which it considered the plight of child soldiers recruited by the warring factions. A debate was held in private on 28 August on a plan drawn up by the Government of the Sudan to enforce the Darfur Peace Agreement. Representatives of the League of Arab States, the Organization of the Islamic Conference and the African Union participated in the meeting. It was noted that the plan proposed by the Government contained elements of the Darfur Peace Agreement, while there

were members who deemed that it essentially sought a military solution to the conflict.

18. On 31 August, the Council adopted resolution 1706 (2006), in which it called for the enhancement of AMIS and the expansion of UNMIS into Darfur, on the basis of the consent of the Government of the Sudan. China, Qatar and the Russian Federation abstained. Pursuant to the resolution, the United Nations is expected to deploy 17,300 military personnel and an appropriate civilian component, including up to 3,300 police personnel in Darfur when the mandate of AMIS expires on 31 December 2006, with the consent of the Government of the Sudan.

## Asia

### Iraq

19. Following consultations on 10 August, the Council adopted resolution 1700 (2006), by which it extended the mandate of the United Nations Assistance Mission for Iraq (UNAMI) for 12 months.

20. It is recalled that the Secretary-General had earlier requested the extension because Iraq continued to face formidable political, security and economic challenges and still needed the support of the international community.

21. The extension would allow the Mission to continue assisting Iraq in various areas including constitutional development, reform of its legal and judicial system and the promotion of human rights.

### Timor-Leste

22. The Council held informal consultations on the situation in Timor-Leste on 10 August, followed by an open debate on 15 August. The Special Envoy of the Secretary-General, Ian Martin, provided an update on the broad range of initiatives aimed not only at achieving justice and reconciliation for the people of Timor-Leste but also at the realization of the long-term development of the country. The Council adopted resolution 1704 (2006) on 25 August, by which it established the United Nations Integrated Mission in Timor-Leste (UNMIT) in order to achieve greater efficiency, better coordination and synergies in international assistance to the country.

## The situation in the Middle East

### Lebanon

23. In informal consultations held on Saturday, 5 August, the Permanent Representative of France, Ambassador Jean-Marc de La Sablière, introduced a draft resolution, which was the outcome of the joint efforts of the United States and France, aimed at achieving a lasting settlement of the conflict between Lebanon and Israel. The draft resolution called for the full cessation of hostilities, and also contained the principles and elements of a permanent ceasefire and long-term solution to the Lebanese crisis.

24. The members of the Council, by and large, agreed that the draft resolution was timely and offered the basis for negotiations towards the cessation of hostilities.

25. The Council, at its meeting held on 8 August, heard an address by His Highness Sheikh Abdullah bin Zayed al-Nahyan, Minister for Foreign Affairs of the United Arab Emirates, who spoke on behalf of the Group of Arab States. He stated that the draft resolution required careful consideration and must take into account the Arab position on the situation in Lebanon, the socio-political structure of Lebanese society and the interests, unity, stability and territorial integrity of Lebanon. In the opinion of the Arab Group, a clear and decisive resolution of the conflict could be achieved through an immediate comprehensive ceasefire, withdrawal of Israeli forces to behind the Blue Line, strengthening of the United Nations Interim Force in Lebanon (UNIFIL), and support for the stated decision of the Government of Lebanon to extend its authority throughout its territory by deploying the Lebanese army.

26. In his contribution, the Minister of Culture of Lebanon and Special Envoy of the Lebanese Council of Ministers, Tarek Mitri, called for the immediate withdrawal of Israel from Lebanese territory and reaffirmed the Government's readiness to deploy the army as Israel withdrew behind the Blue Line.

27. Ambassador Dan Gillerman of Israel, who participated in the meeting, noted that the test faced by the Council was not whether it could not adopt a resolution. The question was whether it could adopt a course of action, a blueprint for change, which would end the threat that Hizbollah posed to the peoples of Israel and Lebanon and the whole region.

**Adoption of resolution 1701 (2006)**

28. After intensive negotiations on the draft resolution, the Council on 11 August adopted resolution 1701 (2006), by which it called for a full cessation of hostilities and made proposals for the phased withdrawal of the Israel Defense Forces from southern Lebanon, while UNIFIL assisted the Lebanese Army to take control of the area.

29. In the resolution the Council emphasized the need for an end to the violence and the need to address urgently the causes that had given rise to the crisis, including the unconditional release of the abducted Israeli soldiers. It also called for Israel and Lebanon to support a long-term solution based, inter alia, on full respect for the Blue Line by both parties and full implementation of the relevant provisions of the Taif Accords. There were to be no foreign forces in Lebanon without the consent of its Government and no sales or supply of arms and related materiel to Lebanon except as authorized by its Government. Israel was to provide to the United Nations all remaining maps of landmines in Lebanon in its possession.

30. Further, the Council decided to increase the troop strength of UNIFIL to a maximum of 15,000, and that it would, in addition to its original mandate, monitor the cessation of hostilities, and extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.

31. The Council stressed the importance of the Government of Lebanon extending its control over all Lebanese territory, and called upon the Government of Lebanon to secure its borders and other entry points to prevent the entry into the country, without its consent, of arms or related materiel.

32. In his statement after the adoption of the resolution, the Secretary-General expressed his profound disappointment that the Council had not taken this step

earlier and noted that this inability had badly shaken the world's faith in its authority and integrity.

**Implementation of resolution 1701 (2006)**

33. The Council considered the report of the Secretary-General on the implementation of resolution 1701 (2006) at informal consultations held on 21 August.

34. The members of the Council acknowledged that the cessation of hostilities was holding and encouraged the parties to the conflict to sustain it. However, they expressed serious concern about the raid by Israeli commandos centred on the village of Bodai in the Bekaa Valley on 19 August 2006 and noted that it was in contravention of paragraph 1 of resolution 1701 (2006), in which the Council called for the full cessation of hostilities. The members of the Council called on the parties to the conflict and States Members of the Organization to respect the arms embargo and welcomed the deployment of the Lebanese armed forces to southern Lebanon. They also expressed appreciation for the work of UNIFIL in post-conflict Lebanon and called for its immediate reinforcement to enable it to perform the tasks assigned to it in resolution 1701 (2006).

**The situation in the Middle East, including the Palestinian question**

35. At an open meeting held on 22 August, the Council was briefed by the Under-Secretary-General for Political Affairs, Ibrahim Gambari, on the situation in the Middle East, including the Palestinian question. The Under-Secretary-General noted that it was time to step back from the tragic events of the past month and take a closer look at the Middle East peace process which had stagnated in the wake of unfulfilled promises, political indifference and tit-for-tat violence by Israel and Palestine.

36. He emphasized that the absence of a comprehensive solution was the root cause of the region's problems, and progress towards a two-State solution would facilitate the resolution of conflict elsewhere in the region. He referred to the recent call by the Secretary-General for a renewed international effort to bring stability and peace to the whole region.

37. The members of the Council who addressed the issue stressed that if resolution 1701 (2006) was fully implemented it would contribute positively to the Middle East peace process, particularly the question of Palestine. They also called on Israel and Palestine to engage in negotiations based on existing agreements and obligations. The Council was encouraged to seek a fair and comprehensive solution to the conflict.

## Americas

**Haiti**

38. A private meeting with the troop-contributing countries to the United Nations Stabilization Mission in Haiti (MINUSTAH) was held on 8 August, following which informal consultations were held by the Council. The new Special Representative of the Secretary-General, Edmond Mulet, briefed the Council on developments in Haiti. It was noted that, although some progress had been made towards recovery,

the security situation in the country remained precarious as manifested by incidents of gang warfare, kidnappings and killings. The members commended MINUSTAH for its assistance to the Government in consolidating stability and democracy. They also welcomed the 25-year governance and development plan proposed by President René Preval to address the underlying causes of Haiti's chronic instability, and called for increased assistance to the Government. On 15 August, the Council unanimously adopted resolution 1702 (2006), by which it extended the mandate of MINUSTAH until 15 February 2007.

## Other matters

### Open debate on peace consolidation in West Africa

39. On 9 August, the Council held an open debate on peace consolidation in West Africa. The Minister for Foreign Affairs of Ghana, the Secretary-General, the Executive Secretary of the Economic Community of West African States (ECOWAS), the Special Representative of the Secretary-General for West Africa, the First Deputy Prime Minister and Minister for Foreign Affairs of Qatar, the Minister for Foreign Affairs of Côte d'Ivoire, the Secretary-General in the Ministry of Foreign Affairs of Guinea and others participated in the debate. Statements were made by all 15 Council members, and by 16 other States from the wider membership of the United Nations, including Finland, on behalf of the European Union.

40. In a statement read out by the President on behalf of Council members at the end of the deliberations, the Council stressed the continued need for West African States and ECOWAS to curb illicit cross-border activities and reiterated the importance of all West African leaders working together for peace and security in the region. The Council also emphasized the regional dynamics of peace and security in West Africa, and the unique interdependence of the countries in the region, and called for enhanced cooperation among the United Nations, ECOWAS and the African Union to help Governments in the region to consolidate peace and address pertinent cross-border issues, such as the flow of illegal small arms, youth unemployment, disarming ex-fighters and the exploitation of natural resources.

41. The Council further underlined the importance and the role of the Peacebuilding Commission in assisting countries emerging from conflict to achieve sustainable peace and stability. It requested the Secretary-General, in consultation with the ECOWAS secretariat, to submit to it by the end of the year a report with recommendations on the cooperation among the United Nations missions deployed in the region and on the cross-border issues in West Africa.

United Nations S/2006/902

Security Council

Distr.: General
17 November 2006

Original: English

**Letter dated 16 November 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached fifth report from Myanmar submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Myanmar's response to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

06-62203 (E) 121206

## Annex

### Letter dated 14 November 2006 from the Permanent Representative of Myanmar to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter of 31 May 2006, I have the honour to transmit herewith the information on measures taken by the Government of the Union of Myanmar regarding the implementation of resolution 1373 (2001) (see enclosure).

(*Signed*) Kyaw Tint **Swe**
Ambassador
Permanent Representative

Enclosure

## 1.-1 Implementation measures

### Prevention and suppression of the financing of terrorist acts

1.1 Pursuant to paragraph 1 of resolution 1373(2001), all States should prevent and suppress the financing of terrorist acts, and specifically criminalize the willful provision or collection of funds with the intention of use for terrorist acts, regardless of whether it is attempted or completed. Myanmar's 3rd and 4th reports states that the financing of terrorist acts are explicitly criminalized under the Emergency Provisions Act of 1950, the Control of Money Laundering Law of 2002and the Law for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means of 1986. The Committee would appreciate your further elaboration on which article is to be applied to the provision or collection of funds to finance terrorism. Pursuant to the resolution, such provision or collection of funds must be punished even if no related terrorist act actually occurs or attempted. In this regard, the Committee would also welcome receiving your interpretation on which article meets this requirement.

Ans: **Anyone violating section 5 (A) of the Control of Money Laundering Law of 2002 shall be charged under section 23/32 of the law. Persons who attempt, abet, support, persuade, organize or conspire to violate the law shall be punished according to the law. Relevant provisions are going to be stipulated in the Counter Terrorism Law, which is being drawn up.**

1.2 The Committee is aware that the Control on Money Laundering Law stipulates that the Central Control Board (CCB) established by the Government may form the investigation body in order to investigate money laundering offences, and on the other hand, the Council of Ministers may designate the investigative body so as to investigate properties obtained by unlawful means pursuant to the Law for Taking Action Against Owning and Marketing of Properties Obtained by Unlawful Means. The Committee would be grateful to know the interrelationship of the investigative power between the said two investigative bodies and the police in terms of the examination of the laundered criminal proceeds.

Ans: **The investigating body formed by the CCB will only carry out investigations of (11) crimes as stipulated in section 5 of the Control of Money Laundering Law of 2002. The investigating body FIU (Financial Intelligence Unit) is composed of officers from controlling agencies including the Myanmar Police Force.**

**The investigating body, formed by the government under the 1986 Law for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means, has been assigned to investigate whether properties are obtained by unlawful means. It is formed with officers of the Bureau of Special Investigation. It carries out the investigation of offences committed before the Control of Money Laundering Law of 2002 came into effect.**

1.3 The Committee acknowledges that the Central Bank of Myanmar notifies state-owned banks, private banks and their branches to freeze the funds and financial assets related to terrorist\terrorist organizations pursuant to Directive No.2 issued by the Central Bank. Apart from the UN sanction lists, how does Myanmar identify and designate terrorist and terrorist organizations deriving from domestic intelligence, and how does Myanmar dispose foreign request to designate terrorists and terrorist group?

Ans: **Myanmar has identified and designated those who commit the following terrorist acts as terrorists and terrorist organizations and took action against them.**

(a) **Premeditation to commit act of terrorism;**

(b) **Act of terrorism committed in accordance with political, social or religious aim;**

(c) **Attack targeted at civilians;**

(d) **Act of terrorism committed by a tribe, a group or an association.**

1.4 The Committee is aware that particular laundered criminal proceeds may be subject to a freezing (prohibitory) order under the Control on Money Laundering Law, and unlawfully obtained properties can be confiscated only after the investigation revealed its illegal origin under the Law for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means. In this regard, the Committee would like to

again inquire whether funds or assets which are obtained by legal means but are intended to finance terrorist acts are subject to freezing or not in Myanmar.

Ans: **Funds or assets which are obtained by legal means but are intended to finance terrorist acts are subjected to freezing under section 5 (J) of the Emergency Provision Act of 1950, section 17 (E) of the Unlawful Association Act of 1908, or section 22 (A) of the Control of Money Laundering Rules of 2003. The Central Control Board (CCB) may issue the following orders:**

**(a) Order prohibiting withdrawal and transfer of money property;**

**(b) Order permitting inspection of the financial records and order permitting copies thereof to be made;**

**(c) Order permitting seizure temporarily of the financial records and money and property as exhibit.**

1.5 The Committee would like to know whether Myanmar has a general freezing procedure or tentative seizure system in the course of criminal investigation of economic or property offences, and welcome receiving explanation on it, if available.

Ans: **The procedure is explicitly provided for in the Control of Money Laundering Rule of 2003, and the Rule and regulation for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means Law of 1987.**

1.6 The Committee notes that non-profit organizations including charitable and religious associations are registered with the approval of the relevant Ministry and their banking accounts are examined through the Customer Due Diligence procedures in Myanmar. The Committee would welcome receiving further information about the monitoring measures to prevent their funds and assets from diverting to terrorism purpose, if available.

Ans: **Registered organizations, including NGOs, have to comply with the rules and regulations of the 1988 Organization law. Registration of their financial statement and balance sheet requires submission of verification from the authorities at different levels at the time of application for registration or at the**

**time of renewal. Relevant provisions are going to be stipulated in the "Procedure of Organization law", which is being drawn up.**

1.7 The Committee is informed that all the financial institutions in Myanmar have to be licensed by the Central Bank of Myanmar. Nevertheless, and does Myanmar recognize the existence of money transfer (remittance) system without license such as Hawala? If so, please describe the situation.

Ans: **In accordance with the Myanmar Financial Institutions Law of 1990 and the Control of Money Laundering Law of 2002, Myanmar does not recognize the existence of money transfer (remittance) system without license such as Hawala.**

1.8 In order for the effective implementation of paragraph 1 of resolution 1373(2001), the scope of the obligation for suspicious transaction report (STR) should be extended from financial institutions to other intermediaries. In this regard, the Committee would like to again ask for your clarification on whether lawyers, accountants, real agents, jewelers and other intermediaries are obliged to report suspicious transaction or not.

Ans: **Central Control Board (CCB) released orders that banks, Settlement and Land Record Department, Customs, Yangon City Development Committee, Department of Human Settlement and Housing Department, Road Transport Administration Department, Department of Marine Administration and the Directorate of Trade are obligated to report suspicious transactions. Other intermediaries such as lawyers, accountants, real agents, jewelers have been taken into consideration for further use as STRs.**

1.9 The Committee is grateful to have an organization chart of Myanmar's Financial Intelligence Unit (FIU) established in January 2004, and further would like to ask under which governmental body FIU is placed, and what kinds of backgrounds do the analysis of FIU have.

Ans: **The Financial Intelligence Unit (FIU) is under the Central Control Board. The Chairman of the Unit is the Minister for Home Affairs.**

1.10 The Committee also appreciates receiving your STRs statistics provided, and would welcome the update such as the number of monthly STRs to FIU.

Ans: **From the date on which the FIU was first established, i.e, from 16.1.2004 up to 30.6.2006, there have been 19344 STRs. During the year 2004, there have been 312 STRs monthly, and in the year 2006, up to the month of June, STRs have been increasing, namely 1180 monthly.**

## Effective prevention of terrorist acts

1.11 The Committee would be grateful to know the usual apprehensive and detention procedure of the Myanmar Code of Criminal Procedure. In addition, the Committee would like to know whether Myanmar has legal provisions for pre-charge (administrative/ preventive) detention or not. If in affirmative, what safeguards exist for the use of such detention?

Ans: **Myanmar has legal provisions for pre-charge for a suspicious person without warrant from a magistrate (according to the under CrPC Section 54). Under section 61 of the Criminal Procedure Code (CrPC), a police officer may detain a person in custody on suspicious condition for not more than twenty-four hours. If investigation procedure cannot be completed in twenty-four hours, the accused must be brought before a magistrate who has jurisdiction to try the case or commit it for trial under section 167 of CrPC. The detention of such person shall not exceed in the whole 30 days where a person is accused of an offence punishable with rigorous imprisonment for a term of not less than seven years, and where a person is accused of an offence punishable with rigorous imprisonment for a term of less than seven years, the detention of such person shall not exceed 15 days in the whole.**

1.12 In order to facilitate detection of terrorists, are accommodation facilities such as hotels and inns legally required to verify their guests' identification and to transmit this information to the designated authorities?

Ans: **Hotels and rest houses have responsibility to transmit their guests' identification list to the respective local authorities under section 10 (1) of the Towns Act of 1907 and section 14 (1) (6) of the Foreigners Registration Act of 1948.**

**Effectiveness in extradition and mutual legal assistance**

1.13 It seems from the reports that Myanmar has no extradition legislation or extradition treaty with foreign countries, but it may extradite fugitives based on the principle of reciprocity. The Committee would welcome Myanmar's intention to codify an extradition procedure and further make bilateral or multilateral treaties in order to promote expeditious proceeding.

Ans: ----------.

1.14 Pursuant to paragraph 3(g) of resolution 1373(2001), all States should ensure that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists. The Committee is aware that Myanmar does not grant political asylum but would appreciate clarification as to whether this means that your Government always extradites alleged terrorists, including its own nationals, at the request of other States.

Ans: **Myanmar's position is that it does not hand over its citizens guilty of crimes to other states. But a foreigner guilty of a crime and asked for extradition from that country will be decided on a case-by-case basis, and extradition granted.**

1.15 Pursuant to the Mutual Assistance in Criminal Matters Law and its Rules, what is the time period within which a request for judicial assistance in criminal investigations or criminal proceedings must be met and how long does it take, in practice, to implement

such a MLA request? In addition, the Committee would welcome receiving information if Myanmar is going to enter bilateral or multilateral MLA treaties.

Ans: **Although there is no time frame within which a request for judicial assistance in criminal investigations or criminal proceedings under the Mutual Assistance in Criminal Matters Law Section 21(B) and its Rules must be met, the Central Authority may process the request for handing over of the relevant information, testimony, documents, records and supporting evidences to the requesting state without undue delay according to bilateral agreement. Myanmar has signed an Asean Treaty on 17th January 2006 concerning mutual assistance between member countries regarding criminal matters.**

**Border control (immigration control and customs control**

1.16 Paragraph 2(g) and paragraph 3(a) of resolution 1373(2001) calls for effective border controls and operational information exchange to prevent fraudulent use of travel documents and the movement of terrorists. In this regard, how does Myanmar make use of the Interpol's " stolen and lost passport and identification documents" system (I-24/7) at the immigration points?

Ans: **I-24/7 substation has not been established yet at the Myanmar Border Control Points. However, information received from Interpol is relayed to the control teams at the airports and border checkpoints for systematic investigation.**

1.17 The Committee would like to be informed of Myanmar's commitment to introduce the Advance Passenger Information System (APIS) to prevent the terrorists' trans-border movement.

Ans: **The Advance Passenger Information System (APIS) has not been introduced in Myanmar yet, but exchange of information is carried out with neighboring and other States to prevent trans-border movement of terrorists and send passengers list to landing port by manifest.**

1.18 Would Myanmar kindly outline the monitoring strategies and methods that customs uses to ensure the security of shipments entering and exiting its territory, using all modes or transport, against acts of terrorism? To what extent do these strategies and methods take into account the World Customs Organization's Framework of Standard to Secure and Facilitate Global Trade?

Ans: **Myanmar Customs assign the customs rummaging party to search every incoming and outgoing vessel in order to prevent smuggling and terrorism. The party rummages every crew cabin and store room to ensure that stowaway persons cannot hide. Moreover, one boarding officer and one gangway officer are assigned to perform duty onboard the vessel since its arrival till its departure. Being member administrations of WCO and RILO (Asia/Pacific), Myanmar customs administrations are obliged to disseminate information concerning terrorism. If one customs administration has the reason to believe that one vessel may carry a stowaway person related to possible terrorism in its destination, it shall disseminate information to the other administration concerned through RILO (Asia/Pacific) office. The above-mentioned customs procedures are in compliance with the WCO standard and best practice.**

Aviation security

1.19 The Committee notes that Myanmar is a contracting State of the International Civil Aviation Organization (ICAO). Has Myanmar been audited on the basics of the Universal Security Audit Programme (USAP) of the Aviation Security Plan of Action? If so, what difficulties and deficiencies have been identified, particularly with respect to the Standards and Practices detailed in Annex 17 to the Convention on International Civil Aviation?

Ans: **According to the USAP, the aviation security audit team from ICAO visited and conducted an audit of the aviation security matters in Myanmar in 2004 and the aviation security audit follow-up team visited Myanmar in 2006. According to the recommendations of the audit team, Myanmar conducted the following:**

(a) Myanmar has become the party to several conventions: (1) Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention 1963), (2) Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague Convention 1970), (3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention 1971) and the Protocol for the Suppression of Unlawful Acts against the Safety of Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed on Montreal on 24 February 1988, and (4) Convention on the Marking of Plastic Explosives for the Purpose of Detection done at Montreal on 1 March 1991, since 31 October 2004.

(b) Myanmar has already re-established the National Civil Aviation Security Committee (NCASC) and National Civil Aviation Security Working Committee (NCASWC) since 30 June 2004.

(c) The Law for National Civil Aviation Security (Draft) has been drafted.

(d) New Organization of Department of Civil Aviation, including the aviation security section, is being prepared to form.

(e) National Civil Aviation Security Programme and National Civil Aviation Security Training Programme has been drafted.

(f) Notification for Access Control, Notification for Security Control at Airport and Procedure for Sky Marshal are under process for release.

(g) National Civil Aviation Security Training Programme is being drawn up.

The Civil Aviation Security Authorities of Myanmar are trying hard to implement the standards and the recommended practices of ICAO Annex 17 (Security), according to the recommendations of USAP. But we need highly skilled technical courses for our personnel's.

## Maritime security

1.20 In the context of the measure established in the International Maritime Organization (IMO) International Ship and Port Facility Security Code(ISPS), the Committee would welcome information on

Q 1: The measures that Myanmar has implemented in order to prevent unauthorized access to port facilities and to ship moored at such facilities ?

Ans: The fencing of the Port Facility area has already been constructed to the height of 3 meters. Razor wires (or) barbed wires have been installed right on top of the fencing.

The visitors who enter or depart the Port Facility through the designated gates are recorded in the Visitor Register Book, and these visitors are tagged with identity cards issued accordingly. The employees who carry out their daily duty in the Port Facility area are recorded in the nominal roll with full information about each employee and identification cards are duly issued to them. The employees who enter and depart from the Port Facilities are scrutinized thoroughly.

All the people who enter and depart from the Port Facilities Main gate are required to pass through the archway detectors. Hand-held Garrett Metal Detectors are used to examine whether there are concealed weapons. The vehicles that go in and out are searched thoroughly, and the underneath of the vehicles are searched with long hand-held car search Mirror Detectors.

CCTV cameras and access control systems are installed for surveillance and for security reasons in the area. In addition to competent security personnel, ex-service men are appointed at security team in the Port Facilities area.

The Ship Security Officers (SSO) and Port Facility Security Officers (PFSO) are given instruction to carry out the interwoven and interlinked security systems. They are also instructed to keep the record of Declaration of Security (DOS) and exchange these records vice-versa. There has been security measures that prohibit entry of unauthorized person to the ship moored along the berths.

**The container yards are also installed with cargo scanners through which container must be passed. There are constant scrutinization of inside cargoes of the containers.**

Q 2: What safeguards has Myanmar put in place in order to verify the integrity of staff employed at port facilities and on board ships, both upon hiring and during employment ?

Ans: **Personal data of those who are employed in the Port Facilities and the Myanmar seafarers are collected and compiled along with the recommendations of local authorities. Only those who hold National Registration Cards are given security duties at the Port Facilities and ex-security service men are widely used in port security teams.**

**The Seamen Employment and Control Division of the Department of Marine Administration has issued Seafarer's Identity Documents (SID) to all of Myanmar seafarers and recorded their personnel data in the Main Office.**

Q 3: The measures that Myanmar has put in place to respond to threats to, or breaches of, the security of port facilities and ship/port interfaces?

Ans: **As to breaches of Port Security and Ship / Port interfaces, the measures that Myanmar put in place to respond to threats are:**

**To those ships which fly the Myanmar flag but do not follow ISPS Code, are not issued International Ship Security Certificate (ISSC).**

**To those international ships that do not have (ISSC) are not allowed to enter the Myanmar ports.**

**To those port facilities which are in Myanmar are not issued Statement of Compliance (SOC) if they do not follow and implement as per ISPS Code and instructions of the Designated Authority.**

**There has been a special arrangement to seek help from the Ministry of Defence, the Ministry of Home Affairs and regional security teams in order to counter the threats through successive reports from the PFSOs and instruction from the Maritime and Port Security Committee.**

Q 4: The drills carried out by Myanmar in order to test the effectiveness of the security measure at port facilities and on the outcome of such drills?

Ans: **As for drills and exercises carried out by Myanmar in order to test the effectiveness of the security measures at Port Facilities, the Designated Authority issues instructions to carry out port and ship joint exercises at least once a year.**

**The port facilities which have got statement of compliance are to be inspected by the Designated Authority at least once a year, and if any irregularities are found out, corrective action is to be taken at once. The drills and exercises are to be carried out and supervised accordingly.**

**Based on the results of the exercises, not only port facilities security officers but also the whole staff of Port Facilities is given in-house Port Security Awareness training.**

## International counter-terrorism instruments

1.21 The Committee is aware that Myanmar is a party to 10 international counter-terrorism instrument and would welcome a progress report on Myanmar's becoming a party to remaining instruments: the International Convention for the Suppression of the Financing of Terrorism, the Convention of the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism. In addition, could Myanmar also provide a progress report on its intentions to ratify, accept, approve or accede to the following instruments: the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms; and Amendment to the Convention on the Physical Protection of Nuclear Materials of July 8,2005?

Ans: **Myanmar signed the International Convention for the Suppression of the Financing of Terrorism in 2001 and ratified it recently. The Instrument of Ratification for this Convention and the Instrument of Reservation have been sent to the UN Secretariat through the Permanent Mission of Myanmar to the UN, New York. Myanmar ratified the Convention for the Suppression of**

Unlawful Acts against the Safety of Maritime Navigation of 1988 on 19 September 2003 and implemented it since December 2003. Myanmar is analyzing of the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms and the Amendment to the Convention on the Physical Protection of Nuclear Materials of 2005.

## 2. Implementation of resolution 1624(2005)

Paragraph 1

2.1 What measure does Myanmar have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Ans: Incitement to commit a terrorist act or acts can be prohibited or prevented under section 5 (j) of the Emergency Provisions Act of 1950, section 109 of the Penal Code of 1861 and section 17(1) of Unlawful Associations Act of 1908. Relevant provisions are going to be stipulated in the Counter-Terrorism Law, which is being drawn up.

2.2 What measure does Myanmar take to deny safe haven to any persons with respect to whom there is credible and relevant information given serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts.

Ans: Legal action for terrorist acts can be taken under section 5 (j) of the Emergency Provisions Act of 1950, section 109 of the Penal Code of 1861 and section 17(1) of Unlawful Associations Act of 1908. Relevant provisions are going to be stipulated in the Counter-Terrorism Law, which is being drawn up.

Paragraph 2

2.3 How does Myanmar cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Ans: Myanmar is in cooperation with other States by being Party to the following Agreements:

25.10.2004: MOU between Myanmar and India on Cooperation in the field of Non-Traditional Security Issues;

15.1.2005: Agreement on Combating Transnational Crime and Maintaining Social Order in the Border Area of Myanmar and China;

9.8.2004: Agreement on Myanmar –Vietnam on Cooperation to Prevent and Combat Crime;

30.7.2005: MOU of Myanmar CCB and Thailand AMLO on Cooperation for Financial Information Exchange;

2001: ASEAN Declaration on Joint Action to Counter Terrorism ASEAN+3;

ASEAN + Russia Joint Declaration on Counter Terrorism;

ASEAN + Australia Joint Declaration on Counter Terrorism;

ASEAN + India Joint Declaration on Counter Terrorism;

ASEAN + EU Joint Declaration on Counter Terrorism;

ASEAN + US Joint Declaration on Counter Terrorism;

ASEAN + China Joint Declaration on Non Traditional Security Issue.

BIMSTEC Joint Working Group on Counter Terrorism and Transnational Crime.

Paragraph 3

2.4 What international efforts is Myanmar participating in or considering participating in/ initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Ans: Accordance with the tradition in Myanmar, people can devote every religious freely and equally with their own consent.

A high-level official from Myanmar attended an Islamic Religious work-shop concerning basic human rights and traditions held in Kuala Lumpur in Malaysia from 2006, May 15 to 19 and discussed and exchanged views with participants from other countries.

Myanmar sent delegations to the following human rights workshops in the ASEAN Region: -

- The first workshop on human rights held in Jakarta from 5 to 6 July, 2001.
- The second work shop on human rights held in Manila from 14 to 15 June, 2002.
- The third work shop on human rights held in Bangkok from 28 to 29 May, 2003.
- The fourth work shop on human rights held in Jakarta from 17 to 18 June, 2004.
- Round-table Discussion on ASEAN Human Rights Mechanism Follow-up of the Vientiane Action Programme of ASEAN 2004-2010 held in Bali from 19 to 20 December, 2005.

2.5 What steps is Myanmar taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Ans: Myanmar allows freedom of religion. At the same time, the Ministry of Religious Affairs, the Ministry of Education and the Ministry of Culture keep a close watch on developments and give information and education to people to prevent extremists from subversion. If terrorists incite subversion, appropriate action

will be taken under the section 5(j) , Emergency Provisions Act of 1950, and section 17(1) the Unlawful Associations Act of 1908,Section 122 of Penal Code 1861. Necessary provisions are going to be stipulated in the Counter Terrorism Law, which is being drawn up.

Paragraph 4

2.6 What is Myanmar doing to ensure that any measures taken to implement paragraphs 1,2 and 3 of resolution 1624(2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

Ans: To ensure that any measures taken to implement paragraphs 1,2 and 3 of resolution 1624 (2005) comply with all of its obligation under international law, Myanmar takes into account its obligations under international law, in particular international human rights law, refugee law and humanitarian law, when it draws up domestic laws. Myanmar has held discussions on these laws to educate people and include them in the syllabus for the Law Department of the Universities and for Basic Education Schools.

## 3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org.sc.ctc) is frequently updated to include new relevant information on available assistance. The committee takes note of the fields of technical assistance requested by Myanmar in its second reports( page 11) and is pleased to inform Myanmar that its requested assistance has been brought to the attention of potential technical assistance providers through the Committee Matrix.

3.2 Furthermore , in light of the specific areas related to Myanmar's implementation of resolution 1373(2001) outlined in Section 1 of this letter, and based on Myanmar's

reports to the Committee and on the other relevant information available, the Committee, with assistance from the CTED experts, has conducted a preliminary analysis of Myanmar's technical assistance needs in order to identify priority areas in which the Committee believes Myanmar may benefit from receiving technical assistance. With the agreement of and in cooperation with the Government of Myanmar, the aim is to identify the best possible way for Myanmar to benefit from technical assistance in order to strengthen its implementation of the provisions of this resolution.

3.3 The analysis identified, on a preliminary basis, the following potential areas of assistance needs, with the understanding that further assessments may be necessary. The points below represent *selected* areas, amongst the areas referred to in the resolution, where assistance might be particularly useful:

- Legislative drafting of
  a) criminalizing the financing of terrorism,
  b) criminalizing of forms of terrorism assistance,
  c) the freezing of funds, and
  d) the extradition law
- Capacity building of the investigative bodies
- Training of the banking sector in order to strengthen its capacity to detect suspicious transactions;
- Training of the FIU experts in order to enhance their expertise to process STRs; and
- Training in typology for law enforcement officers to strengthen their ability to investigate money laundering offences and terrorist financing.

3.4 The Committee would like to receive your country's approval to share the abovementioned points with donor States and organizations that may be in a position to provide assistance in these *selected* areas (other parts of this letter will not be shared). This would enable the Committee to facilitate the provision of technical assistance. The Committee would appreciate receiving your country's response no later than 30 days from the date of this letter . If your country's response is not received within that period, the Committee will assume that the points could be shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Myanmar's request and consent. The Committee would also

shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Myanmar's request and consent. The Committee would also shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Myanmar's request and consent. The Committee would also welcome any comments that may have regarding this section (Section 3 on 'assistance and guidance').

3.5 The Committee is aware of request for technical assistance in the 2nd report by Myanmar. Since than, technical assistance has been provided by the donor countries, international and sub regional organizations to Myanmar. The Committee would be grateful if Myanmar could identify the latest technical assistance needs in order for the Committee to assess and facilitate such technical assistance.

## 4. Further guidance and submission of further report

4.1 The Committee wishes to maintain the constructive dialogue it has established with Myanmar in relation to measure it is taking to implement the resolutions, in particular with regard to the areas identified in this letter as a priority. The Committee and its Executive Director stand ready to provide further clarification to Myanmar on any of the matters raised in this letter. The Executive Director can be contacted through Ms. Elena Rigacci Hay ( telephone:+ 1 212 457 1733) ; fax: + 1 212 457 4041; email: cted@un.org). In addition, the Committee, through its Executive Directorate, may contact Myanmar's competent authorities to discuss any further matters related to the implementation of the resolutions.

4.2 The Committee would be grateful to receive from Myanmar further information on the questions and comments raised in Sections 1 and 2 of this letter on 'implementation measures' by 31 August 2006. Moreover, the Committee would be grateful if Myanmar would provide it with an update on assistance it has received, or is in tile process of receiving, including on whether such assistance has satisfied, or is expected to satisfy, Myanmar's needs related to the resolutions. As with previous reports, it is the intention of the Committee to circulate the further reports as a document of the Security Council. It is open to Myanmar, if desired, to submit a confidential annex to the report for the attention of the Committee and its Executive Directorate alone.

4.3 The Committee may, in a future stage of its work, have further comments or questions for Myanmar arising from other aspects of the resolutions. It would be grateful to be kept informed of all relevant developments regarding the implementation of the resolutions by Myanmar.